

SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ2**.

FORMER TALBOT QUARRY AND LANDFILL COMPREHENSIVE DEVELOPMENT PLAN

Land

No. 1221-1249 Centre Road, Oakleigh South (former Talbot Avenue Quarry) as shown on the Former Talbot Quarry and Landfill Comprehensive Development Plan – the land comprises the following land parcels:

- CT Vol 3645, Folio 846 (Lots 1-41 LP 12090),
- CT Vol 9402, Folio 344 (Lot 1 TP805390J),
- CT Vol 8186, Folio 871 (Lot 1, LP 38793),
- CT Vol 6313, Folio 437 (CA 6A Sec 2),
- CT Vol 10378, Fol 210 (Lot 2, PS 409879V),
- CT Vol 8343 Fol 532 (Lot 1-3 TP 803687))

Purpose

- To recognise the past uses of the land (including as a former quarry and landfill) and the residual environmental conditions of the land.
- To identify a range of land uses that may be suitable for potentially contaminated or filled land subject to an appropriate management strategy for the ongoing management of remediation requirements and monitoring including the costing of such requirements and the implementation of a fund to fully finance the Strategy and any contingent liabilities arising from the Strategy .
- To recognise and protect the lower density suburban amenity of existing residential properties and public open space to the north, south and east of the site.
- To provide a framework for urban uses and development, including alternative non-residential land uses that complement surrounding residential development, at an appropriate scale, height and density that takes into account the site’s location, size as well as the limited physical connections with the surrounding neighbourhood.
- To provide an opportunity for an integrated residential and mixed use development that fosters social interaction, walkability and creates a sense of place and a new local identity.

1.0

Table of uses

Section 1 - Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Minor utility installation	
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation	
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	
Food and drink premises (other than Convenience restaurant)	
Home occupation	
Medical centre	
Leisure and recreation (other than Motor racing track)	
Office (other than Medical centre)	Must have frontage to a road in a Road Zone
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin or have access to a road in a Road Zone.
Plant nursery	
Service station	Must have frontage to a road within a Road Zone
Shop (other than Adult sex bookshop, Bottle shop and Convenience shop)	Must be on the land shown as Mixed use in the approved Comprehensive Development Plan to this zone.
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use

- Adult sex bookshop**
- Amusement parlour**
- Animal boarding**
- Animal training**
- Bottle shop**
- Brothel**
- Cinema based entertainment facility**
- Horse stables**
- Industry (other than Car wash)**
- Intensive animal husbandry**
- Motor racing track**
- Nightclub**
- Retail premises (other than food and drink premises, shop, plant nursery and community market)**
- Saleyard**
- Stone extraction**
- Transport terminal**
- Warehouse (other than Store)**

2.0 Requirements before the approval of the Overall Development Plan

DD/MM/YY
Proposed C129

A permit may be granted before an overall development plan has been approved for the site or before the issue of a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970 for the following:

- Any earthworks associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the

Environment Protection Act 1970 provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this schedule;

- The construction of that part of any building which is associated with the remediation of land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act, provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this schedule;
- The removal of any building for the purpose of remediation of the land in accordance with or for the purpose of obtaining a Certificate of Statement of Environmental Audit under the Environment Protection Act, provided the works are carried out in accordance with a Construction Management Plan prepared in accordance with this schedule;
- Consolidation or subdivision of land
- Removal or creation of easements or restrictions

For the purposes of this clause, remediation means all measures sufficient to protect human health and the environment.

Before granting a permit the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner.

2.1 Construction Management Plan

Prior to the commencement of any works including site remediation and demolition, a Construction Management Plan (CMP) must be prepared to the satisfaction of the responsible authority. The CMP must detail how the development of the land will be managed to ensure that the amenity of the nearby area is not detrimentally affected.

The CMP must address, but is not limited to:

- Staging of construction
- Management of the construction site
- Site access, parking and traffic management
- Parking for construction staff and heavy construction vehicles
- Storage of plant, equipment and construction materials
- Location of site offices
- Location of cranes
- Demolition, site remediation, bulk excavation
- Protections of nominated trees on the site, and native vegetation on adjoining land
- Land disturbance
- Hours of construction
- Controls of noise, dust and soiling of roadways
- Public safety – security fencing, lighting
- Construction vehicle road routes and traffic management
- Management and disposal of site waste, including any potentially contaminated materials
- Discharge of polluted water and stormwater
- Redirection of any above or underground services

The CMP must also address methods for responding to complaints associated with the construction works and provide site manager contact details.

All development and construction must be carried out in accordance with the approved CMP to the satisfaction of the responsible authority.

3.0

Overall Development Plan

DD/MM/YY
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Before approving a planning application for the use, development or subdivision of the site, an Overall Development Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Overall Development Plan must be generally consistent with the Former Talbot Quarry and Landfill Comprehensive Development Plan 2016.

The Overall Development Plan and supporting material must address as a minimum the following issues:

- Management of existing Site and Context issues
 - Adjacent land uses and recent development;
 - Prevailing built form characteristics and emerging trends in the local area;
 - Adjoining roads and pedestrian links;
 - Potential flooding issues, and
 - Topography
- Ongoing Site Management Plan
 - A plan showing the remediation techniques for the whole site in accordance with the approved Site Environmental Strategy Plan (SESP), and including mechanisms for ongoing equipment maintenance, monitoring, and review of landfill gas emissions,
 - An ownership management and funding structure that provides for the:
 - the ongoing management of remediation requirements and monitoring including the costing of such requirements and the implementation of a fund to fully finance the Strategy and any contingent liabilities arising from the Strategy, the form and quantum of that fund, which may take the form of a deposit or bond to be to the satisfaction of the Responsible Authority.
 - the ownership and responsibility to fund the remediation infrastructure and ongoing monitoring to be assumed by land owners within the site.
 - For any proposed development staging, a plan showing a clear approach to remediation, consistent with this Site Management Plan and the Site Environmental Strategy Plan (SESP)
- Open Space and Landscaping
 - Existing significant vegetation on the subject site;
 - Landscape plan;
 - Open space and community infrastructure management plans;
 - Communal garden areas for any higher density residential development, and
 - Percentage of permeable surfaces proposed across the site.
- Community facilities (depending on the scale and intensity of the proposal)
 - Existing community infrastructure in the local areas, and
 - Facilities incorporated within the proposal and levels of public access.
- Access and movement
 - A transport plan that assesses vehicle movements, access to public transport and the provision of walking and cycling infrastructure in the local area;
 - Detail regarding the internal circulation network within the site;
 - Provision of cycling facilities;
 - Car parking rates for all uses, including visitor parking, and

- Potential for public transport and active transport upgrades associated with the proposal.
- Ecology
 - Impacts on flora and fauna
- Engineering infrastructure
 - Existing infrastructure and utilities on the subject site;
 - Drainage and land remediation plans, and
 - Detail regarding an infrastructure contributions plan that considers transport, public realm, recreation and community infrastructure needs of the proposed use and development of the site.
- Land use, built form and urban design principles and outcomes
 - Indicative uses, with proposed building heights, setbacks, site coverage, number of dwellings and areas of commercial space;
 - Urban design guidelines to ensure the orderly development of the public realm, and
 - Interface treatments to the subject site boundaries and the differing uses presented internally on the subject site.
- Environmentally sustainable development outcomes across the site
 - Water Sensitive Urban Design measures required within the site, and
 - Techniques to achieve the use of alternative water sources such as rainwater and stormwater.

3.1 Approval of the Overall Development Plan

Before deciding whether to approve or amend an Overall Development Plan required by this schedule, the responsible authority must display the Overall Development Plan for public comment for a minimum period of 28 days.

Notice of the Overall Development Plan must be given to:

- the owners and occupiers of land shown on Map A, (insert map below)
- Kingston City Council,
- Environment Protection Authority,
- VicRoads

MAP A



3.2 SESP and ESA

Prior to the lodgement of any planning application, the following reports must be submitted and approved to the satisfaction of the Responsible Authority:

- Site Environmental Strategy Plan (SESP) - (definition)
- Environmental Site Assessment (ESA) - (definition)
- An Ongoing Site Management Strategy (OSMS) – (definition)

The SESP and ESA must be undertaken by a suitably qualified environmental consultant and endorsed by an environmental auditor appointed under the Environmental Protection Act 1970.

The endorsement by the environmental auditor must confirm that the SESP and ESA are consistent and adequately seek to address and manage the residual site contamination issues from the past land uses.

The Ongoing Site Management Strategy must give effect to the ongoing management of remediation requirements and monitoring set out in the SESP and/or ESA, including the responsibilities for equipment, infrastructure, monitoring and the costing of such requirements and the implementation of a fund to fully finance the Strategy and any contingent liabilities arising from the Strategy, the form and quantum of that fund, which may take the form of a deposit or bond to be to the satisfaction of the Responsible Authority.

4.0 Use of land

4.1 Amenity of the neighbourhood

A use which is not a sensitive use should not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport or materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

4.2 Application requirements

Planning applications can be staged across the site and must be consistent with the approved Overall Development Plan, SESP and ESA.

4.3 Decision guidelines

Before deciding on an application to use land, the responsible authority must consider, as appropriate:

- The historical use of the land and any relevant environmental, geotechnical and contamination issues.
- For non-residential uses, the potential amenity impact on areas set aside and used for dwellings.
- The availability of and connection to urban services and utilities.
- The effect of traffic to be generated from the site on the existing road network.
- Any other matters which relate to the use of the land.
- The Site Environmental Strategy Plan (SESP) prepared for the site and the Environmental Site Assessment (ESA) relating to the stage(s) impacting on the proposed use.
- The adequacy and day to day practicalities of the successful and ongoing compliance with the Ongoing Site Management Strategy to manage ongoing environmental issues and whether the funding quantum and allocation of ongoing site responsibility are adequate to ensure implementation of the Ongoing Site Management Strategy.
- Consistency with the 'Former Talbot Quarry and Landfill Comprehensive Development Plan 2016' or, for applications that propose to vary from the approved Comprehensive Development Plan, the documented rationale for an alternative approach, due to the findings of the SESP and ESA.
- The approved Overall Development Plan for the site.

4.4 Permit Conditions

A planning permit for a sensitive use (residential use, child care centre, pre-school centre or primary school) must contain the following conditions.

- Before the use permitted commences, the owner of the land must provide either:
 - A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - A statement made by an environmental auditor appointed under the Environment Protection Act 1970 in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- Before the use permitted commences the owner of the land must enter into and execute a Section 173 Agreement for the ongoing management of the site in accordance with the requirements of the certificate of environmental audit or the statement of audit, the Ongoing Site Management Strategy and any conditions of permit use/operations.

5.0 Subdivision

5.1 Permit Required

A permit is required to subdivide the land.

5.1 Application requirements

An application to subdivide land must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - Relevant ground levels.
 - Areas of subdivision, including any areas of common property.

5.2 Decision guidelines

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- Consistency with the 'Former Talbot Quarry and Landfill Comprehensive Development Plan 2016' or, for applications that propose to vary from the approved Comprehensive Development Plan, the documented rationale for an alternative approach, due to the findings of the SESP and ESA.
- Consistency with the approved Overall Development Plan for the site.
- The relevant provisions of Clause 56.
- The relevant requirements of authorities specified as referral authorities in Clause 66.
- The Site Environmental Strategy Plan (SESP) prepared for the site
- The Environmental Site Assessment (ESA) relating to the stage(s) prepared for the site

6.0 Buildings and works

6.1 Permit Required

A permit is required to construct a building or construct or carry out works.

6.2 Application requirements

- Plans drawn to scale showing
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - All driveway, car parking and loading areas.
 - Proposed landscape areas.
 - All external storage and waste treatment areas.
- Elevation drawings and floor plans for all buildings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.

- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- For buildings and works intended for non-residential use, a statement must be submitted to the responsible authority addressing any potential amenity impact on nearby areas set aside and used for dwellings.

6.3 Decision guidelines

The responsible authority must consider, as appropriate:

- The adequacy and day to day practicalities of the successful and ongoing compliance with the Ongoing Site Management Strategy to manage ongoing environmental issues and whether the funding quantum and allocation of ongoing site responsibility are adequate to ensure implementation of the Ongoing Site Management Strategy.
- Consistency with the 'Former Talbot Quarry and Landfill Comprehensive Development Plan 2016' or, for applications that propose to vary from the approved Comprehensive Development Plan, the documented rationale for an alternative approach, due to the findings of the SESP and ESA.
- Consistency with the approved Overall Development Plan for the site.
- For non-residential uses, the potential amenity impact on areas set aside and used for dwellings.
- Amenity impacts on adjoining and nearby residential properties
- The requirements of Clause 55 (ResCode), or Clause 58 (Apartment Developments), as relevant, for residential development
- The Environmental Site Assessment (ESA) and Site Environmental Strategy Plan (SESP) prepared for the site or parts of the site.

6.4 Permit Conditions

Requirement

A planning permit for development that facilitates a sensitive use (residential use, child care centre, pre-school centre or primary school) must contain the following conditions.

- Before the construction or carrying out of buildings and works in association with a sensitive use commences, the owner of the land must provide either:
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
 - A statement made by an environmental auditor appointed under the Environment Protection Act 1970 in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
- Before the construction or carrying out of buildings and works in association with a sensitive use commences the owner of the land must enter into and execute a Section 173 Agreement for the ongoing management of the site in accordance with the requirements of the certificate of environmental audit or the statement of audit, the Ongoing Site Management Strategy and any conditions of permit use/operations.

7.0 Advertising signs

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Advertising sign requirements are at Clause 52.05. This zone is in Category 3.