SCHEDULE 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE

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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
* To allow for an integrated residential and mixed use development which fosters social interaction, walkability and creates a sense of place and a new local identity
* To provide an appropriate land use solution based on environmental management approaches to deal effectively with site contamination
* To provide for a range of housing densities and building types
* To provide a framework for a contemporary residential development and opportunities for appropriately located and scaled higher density residential forms that reflect the site’s size and limited physical connections with the surrounding neighbourhood in a manner that respects key elements of the surrounding residential character
* To recognise and protect the lower density suburban amenity of existing residential properties on the east and north site boundaries
* To recognise and protect the sensitive interfaces with existing public open space to the north and south
* To provide a framework that supports alternative land uses that complement surrounding residential land uses and are aligned with relevant Council policies in the Monash Planning Scheme and the outcomes of the Environmental Audit

1.0 Table of uses

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Section 1 - Permit not required

| Use | Condition |
| --- | --- |
| **Animal keeping (other than Animal boarding)** | Must be no more than 2 animals. |
|  |  |
|  |  |
|  |  |
|  |  |
| Minor utility installation  Railway  Telecommunications Facility  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. |
| Food and drink premises (other than Convenience restaurant, Hotel and Tavern) |  |
| Home occupation |  |
| Informal outdoor recreation |  |
| Medical centre |  |
| **Leisure and recreation (other than Informal outdoor recreation and Motor racing track)** |  |
| **Office** | Must have frontage to a road within 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** |  |
| **Residential aged care facility** |  |
| **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. |
| **Tavern** |  |
| **Utility installation (other than Minor utility installation and Telecommunications facility)** |  |
| **Any other use not in Section 1 or 3** |  |

Section 3 – Prohibited

| Use | | Condition | |
| --- | --- | --- | --- |
| **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** |  | |
| **Saleyard** |  | |
| **Stone extraction**  **Transport terminal** |  | |
| **Warehouse (other than Store)**  2.0  DD/MM/YY  Proposed C129 |  | |

2.0 Overall Development Plan

Planning applications for the use, development or subdivision of the site must be accompanied by an Overall Development Plan to the satisfaction of the responsible authority. The Overall Development Plan and supporting material must address as a minimum the following issues:

* Management of existing Site and Context issues
* Open Space and Landscaping
* Community facilities (depending on the scale and intensity of the proposal)
* Access and movement
* Engineering infrastructure
* Development staging and management of any common property
* Land use, built form and urban design principles and outcomes
* Environmentally sustainable development outcomes across the site

3.0 Use of land

3.1 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.

3.2 Application requirements

Planning applications must include the following steps:

* A Site Environmental Strategy Plan (SESP): An application must include a Site Environmental Strategy Plan (SESP) for assessment by the responsible authority.
* Environmental Site Assessment: An application must include an Environmental Site Assessment (ESA) by a suitably qualified environmental consultant. This must be endorsed by an environmental auditor appointed under the Environmental Protection Act 1970. The endorsement must confirm that the ESA and SESP are consistent and adequately seek to address and manage the residual site contamination issues from the past land uses.

Planning applications can be staged across the site and must include an SESP for the site and an ESA pertaining to the relevant stage.

3.3 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.
* Any Site Environmental Strategy Plan (SESP) prepared for the site and the ESA relating to the stage(s) impacting on the proposed use.
* 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.

3.4 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 must be issued for the land in accordance with PartIXD of the Environment Protection Act 1970, or
    - An environmental auditor appointed under the Environment Protection Act 1970 mustmake a statement 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 and any conditions of permit use/operations.

4.0 Subdivision

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4.1 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.

4.2 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.
* The relevant provisions of Clause 56.
* The relevant requirements of authorities specified as referral authorities in Clause 66.
* Any Site Environmental Strategy Plan (SESP) prepared for the site
* Any ESA relating to the stage(s) prepared for the site
* The approved ‘Overall Development Plan’ for the site.

5.0 Buildings and works

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5.1 Permit Required

A permit is required to:

* + - Construct or extend one dwelling on a lot less than 300 square metres
    - Construct a dwelling if there is at least one dwelling existing on the lot.
    - Construct two or more dwellings on a lot.
    - Extend a dwelling if there are two or more dwellings on the lot.
    - Construct or extend a dwelling if it is on common property.
    - Construct or extend a residential building.

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 1.0 of this Schedule.

5.2 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.

5.3 Decision guidelines

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.
* For non-residential uses, the potential amenity impact on areas set aside and used for dwellings.
* Amenity impacts on adjoining residential proeprties
* The requirements of Clause 55 (ResCode), for residential development
* Any Environmental Site Asessment (ESA) and Site Environmental Strategy Plan (SESP) prepared for the site or parts of the site.
* The approved ‘Overall Development Plan’ for the site.

5.4 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 PartIXD of the Environment Protection Act 1970, or
    - An environmental auditor appointed under the Environment Protection Act 1970 mustmake a statement 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 and any conditions of permit use/operations.

6.0 Advertising signs

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