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Proposed C129

SCHEDULE 2 TO CLAUSE 37.02 THE COMPREHENSIVE DEVELOPMENT ZONE

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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))

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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, including alternative non-residential land uses that complement surrounding residential development.
- 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 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 ~~To allow~~ for an integrated residential and mixed use development that ~~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 and mixed use development and opportunities for appropriately located and scaled higher density 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~~

DD/MM/YY
Proposed C129

1.0 Table of uses

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DD/MM/YY
Proposed C129

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.
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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 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 Centre)	Must have frontage to a road <u>in</u> within a Road Zone
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)	
Place of worship	<u>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.</u>
Plant nursery	

Use	Condition
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 or adjoin or have access to a road in a Road Zone
Store	<u>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.</u>
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	Formatted Table
Animal training	
Bottle shop	
Brothel	Formatted Table
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)	

Use
Saleyard
Stone extraction
Transport terminal
Warehouse (other than Store)

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DD/MM/YY
Proposed C129

2.0

Requirements before the approval of the Overall Development Plan a permit

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 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 removal of any building for the purpose of 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 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 ~~A Construction Management Plan (CMP) must be provided prior to~~ 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.

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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, demolition, site remediation, bulk excavation](#)
- [Protections, management of nominated trees on the construction site, and native vegetation on adjoining land](#)
- [Land disturbance](#)
- [Hours, hours of construction](#)
- [Controls of, noise, control of dust and soiling of roadways](#)
- [Public, public safety – security fencing, lighting](#)
- [Construction, construction vehicle road routes and traffic management](#)
- [Management, soiling and cleaning of roadways, discharge of any polluted water and stormwater, security fencing, disposal of site waste, including and any potentially contaminated materials](#)
- [Discharge of polluted water and stormwater](#)
- [Redirection, location of cranes, location of site offices, parking for construction staff vehicles and heavy construction vehicles, storage of plant and equipment, redirection of any above or underground services, protection of nominated trees, protection of native vegetation on adjoining land and site lighting during any night works.](#)

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

DD/MM/YY
Proposed C129

Overall Development Plan

Before [approving](#) ~~deciding upon~~ 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](#) ~~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~~[should](#) address as a minimum the following issues, ~~as appropriate~~:

- 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
 - ~~Flood and stormwater management~~
 - Topography
- Open Space and Landscaping
 - Existing significant vegetation on the subject site;

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- ~~Concept~~ Landscape plan;
- ~~Open-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 ~~Flora~~ and fauna
- Engineering infrastructure
 - Existing infrastructure and ~~utilites~~ 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.
- Development staging and management of any common property
 - Clear sequencing of land remediation consistent with the Site Environmental Strategy Plan (SESP).
- Land use, built form and urban design principles and outcomes
 - Indicative uses, with proposed ~~indicative~~ 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 ~~built form~~ 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.

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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 ~~adjoining~~ land shown on Map A. (insert map below);
- ~~the City of Kingston;~~

~~▪ Environment Protection Authority,~~

~~▪ VicRoads~~

~~The Overall Development Plan must be displayed, or further information required, no later than 28 days after the plan is received by the responsible authority.~~

~~The Overall Development Plan must be displayed within 14 days of satisfactory further information being received.~~

~~The Overall Development Plan must be displayed for at least 14 days but no longer than 28 days.~~

~~The Overall Development Plan and Planning Permit Applications may be displayed concurrently.~~

~~3.2 Amendment of the Overall Development Plan~~

~~An approved Overall Development Plan may be amended to the satisfaction of the responsible authority.~~

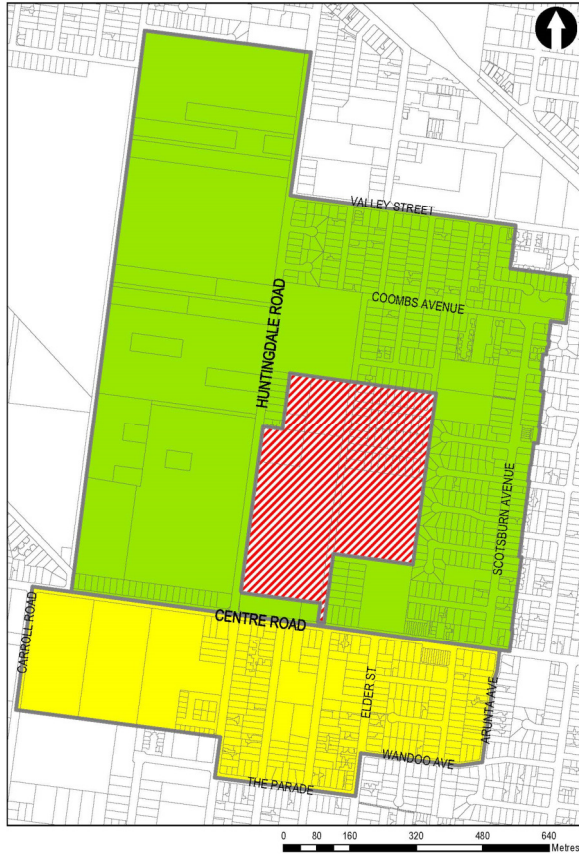
~~Before deciding to approve an amendment to an approved Overall Development Plan, the responsible authority must display the amended Overall Development Plan for public comment.~~

~~Notice of the amended Overall Development Plan must be given to:~~

~~▪ the owners and occupiers of adjoining land,~~

- ~~▪ the City [Council](#) of Kingston,~~
- ~~▪ Environment Protection Authority,~~
- ~~▪ VicRoads~~

MAP A



~~The amended Overall Development Plan must be displayed, or further information required, no later than 28 days after the plan is received by the responsible authority.~~

~~The amended Overall Development Plan must be displayed within 14 days of satisfactory further information being received.~~

~~The amended Overall Development Plan must be displayed for at least 14 days but no longer than 28 days.~~

~~The amended Overall Development Plan and Planning Permit Applications may be displayed concurrently.~~

~~3.2~~ **3 Approval of the SESP and ESA**

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

- ~~■ A Site Environmental Strategy Plan (SESP) - (definition)~~
- ~~■ Environmental Site Assessment (ESA) - (definition)~~

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~~• (for the whole site):~~ The SESP ~~and ESA~~ must be undertaken by a suitably qualified ~~environmental consultant~~ and endorsed by an environmental auditor appointed under the ~~Environmental~~ Environment Protection Act 1970.

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- ~~• The endorsement by the environmental auditor Environmental Site Assessment (ESA) (pertaining to the relevant stage): The ESA must be undertaken for the relevant stage by a suitably qualified environmental consultant and endorsed by an environmental auditor appointed under the Environment Protection Act 1970.~~

~~The endorsement of the auditor of the ESA 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.~~

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~~Site Environmental Strategy Plan~~

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~~The SESP must address and make recommendations in relation to the:~~

- ~~• Options and a preferred approach to the testing and remediation of soil and groundwater;~~
- ~~• Potential impacts of any land or groundwater contamination (including the potential for vapour intrusion or gas migration) on the proposed land use, the arrangement of the land use across the land, and any particular design requirements the development may be subject to;~~
- ~~• Targeted condition of the site as specified by the Environmental Auditor to suit the range of land uses;~~
- ~~• Options for remediation technologies taking into account logistics, technology availability, estimated cost, and likely effectiveness;~~
- ~~• A schedule of remediation activities;~~
- ~~• Proposed pattern of land uses across the site;~~
- ~~• An indicative site map showing locations across the site of any identified contamination and any proposed clean up work;~~
- ~~• Targeted condition of the site as required and specified by the Auditor to suit the proposed range of land uses or development;~~
- ~~• Expected pattern/staging and indicative timeframes for signed Certificates and Statements of Environmental Audit across the site following the clean up of the site;~~
- ~~• Indicative site management and monitoring controls that will be necessary following each clean up activity; and~~
- ~~• Identifying the parties responsible for key activities and for subsequent site management and monitoring.~~

~~The SESP may be amended as required to reflect the recommendations or requirements of a Certificate or Statement of Environmental Audit, to the satisfaction of the Responsible Authority.~~

~~Environmental Site Assessment~~

~~The ESA must provide the information required by Appendix 2 of EPA Publication 759.3 Environmental Auditor Guidelines, or any document which amends or supersedes it.~~

~~The ESA may be prepared in stages where the development is proposed to be undertaken in stages.~~

~~The ESA may be amended as required to reflect the recommendations or requirements of a Certificate or Statement of Environmental Audit, to the satisfaction of the Responsible Authority.~~

4.0 Use of land

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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 ~~generally~~ 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.
- 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~~Plan' for the site.

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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.
 - ~~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 and any conditions of permit use/operations.

5.0 Subdivision

DD/MM/YY
Proposed C129

Permit Required

A permit is required to subdivide the land.

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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
- ~~The approved 'Overall Development Plan' for the site.~~

6.0 Buildings and works

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Proposed

6.1 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.~~

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.

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6.3 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](#).
- [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](#) ~~Development~~), 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.

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- [If required by the Responsible Authority, an independent peer review of any geotechnical report relating to structural design submitted by the permit applicant, with the costs of such review to be borne by the permit applicant.](#)

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- [The approved 'Overall Development Plan' for the site.](#)

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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.~~
 - 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 and any conditions of permit use/operations.

7.0

Advertising signs

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[Proposed C129](#)

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

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