

08/11/2018  
C160**SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

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

**BURWOOD HIGHWAY AND SCORESBY ROAD KNOXFIELD****Land**

This schedule applies to all land located at part 609-621 Burwood Highway, Knoxfield, on the north-western corner of Burwood Highway and Scoresby Road, Knoxfield which is subject to the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)*.

**Purpose**

- To provide for the use and development of land that is generally in accordance with the Burwood Highway and Scoresby Road Comprehensive Development Plan – September 2018
- To provide residential, retail, office and commercial uses and development of the land within the area of the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan – September 2018* marked ‘mixed use’.
- To provide residential use and development of the land within the area of the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan – September 2018* marked ‘residential’.
- To provide water drainage and retardation, public open space and provisions for the enhancement of flora and fauna habitats in the area of the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan – September 2018* marked ‘WDRP’ and to ensure that development does not adversely affect the floodplain, the waterway conditions, water quality or stream ecosystem of Blind Creek.
- To ensure that development occurs in an orderly and staged manner, with new built form that can accommodate a significantly higher intensity of activity commensurate with the role of the Knox Central Activity Centre.

**1.0**08/11/2018  
C160**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Animal keeping (other than Animal boarding)</b>	Must be in the area marked residential or mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. Must be no more than 2 animals.
<b>Art gallery</b>	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan.
<b>Bed and breakfast</b>	Must be in the area marked residential or mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.

<b>Use</b>	<b>Condition</b>
<b>Dependent person's unit</b>	Must be in the area marked residential or mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. Must be the only dependent person's unit on the lot.
<b>Dwelling (other than Bed and breakfast)</b>	Must be in the area marked residential or mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan.
<b>Food and drink premises (other than Hotel and Tavern)</b>	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. The leasable floor area must not exceed 150 square metres.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	Must be in the area marked residential or mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. The gross floor area must not exceed 250 square metres. If within the area marked residential, must not require a permit under Clause 52.06-3 and adjoin, or have access to, a road in a Road Zone.
<b>Museum</b>	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan.
<b>Office (other than medical centre)</b>	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. The leasable floor area must not exceed 250 square metres.
<b>Place of worship</b>	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. The gross floor area must not exceed 250 square metres.
<b>Railway</b>	
<b>Residential aged care facility</b>	Must be in the area marked residential or mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan.
<b>Shop (other than Adult sex product shop)</b>	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan. The leasable floor area must not exceed 150 square metres.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than Dependent person's unit, Corrective institution,</b>	

<b>Use</b>	<b>Condition</b>
Dwelling and Residential aged care facility)	
Agriculture (other than Animal keeping, , Horse stables and Intensive animal husbandry)	
Animal boarding	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than five animals.
Hotel	
Industry (other than Materials recycling and transfer station)	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan.  Must not be a purpose listed in the table to Clause 53.10.
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)	
Retail premises (other than Food and drink premises, Gambling premises, Market, and Shop)	
Tavern	
Utility installation (other than Telecommunications facility)	
Warehouse	Must be in the area marked mixed use on the Burwood Highway and Scoresby Road Comprehensive Development Plan.  Must not be a purpose listed in the table to Clause 53.10.
Any other use not in Section 1 or 3	
<b>Section 3 - Prohibited</b>	
<b>Use</b>	
Adult sex product shop	
Animal training	
Brothel	
Carnival	
Cinema based entertainment facility	
Circus	
Corrective institution	
Crematorium	
Gambling premises	
Horse stables	
Intensive animal husbandry	
Materials recycling	
Motor racing track	
Saleyard	
Stone extraction	

**Use****Transfer station****Transport terminal****2.0**08/11/2018  
C160**Use of land**

An application to use land must be generally in accordance with the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)*.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of 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, waste water, waste products, grit or oil.

**Exemption from notice and review**

An application to use land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**Decision guidelines**

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

- The Burwood Highway and Scoresby Road Comprehensive Development Plan – September 2018
- The effect that existing uses may have on the proposed use.
- The drainage of the land, water quality, waterway and floodplain management.
- The availability of and connection to services.
- The effect of traffic to be generated on roads and orderly management of vehicular and pedestrian traffic.
- The protection and enhancement of the environmental qualities of Blind Creek.
- The preservation of the amenity of nearby residents.
- The interim use of those parts of the land not required for the proposed use.

**3.0**08/11/2018  
C160**Subdivision**

An application for subdivision of land must be generally in accordance with the Comprehensive Development Plan – September 2018 incorporated pursuant to Clause 72.04 of the Knox Planning Scheme.

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Knox Planning Scheme; and
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

## Exemption from notice and appeal

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a),(b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## Decision guidelines

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

- The Burwood Highway and Scoresby Road Comprehensive Development Plan - September 2018.
- The interface with adjacent zones, especially the relationship with residential areas.
- Any natural or cultural values on or near the land.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

## 4.0 Buildings and works

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A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code, incorporated pursuant to Clause 81 of the Knox Planning Scheme.

An application to construct a building or construct or carry out works must be generally in accordance with the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)* incorporated pursuant to Clause 72.04 of the Knox Planning Scheme and must include the following information, as appropriate, to the satisfaction of the responsible authority:

- Concept plans drawn to scale which show:
  - The key attributes of the land, its context, the surrounding area and its relationship with existing and proposed uses on adjoining land.
  - Building orientation and location, including heights and setbacks generally in accordance with the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)*.
  - Proposed lot and road layout, including public roads, vehicle access locations and pedestrian and bike paths.
  - Proposed earthworks and levels for future development.
  - Stormwater and drainage management treatments including any water sensitive design or integrated water management elements.
  - Any public open space contribution provided within the developable area and not within any habitat zone.
  - How the layout pattern and proposed development responds to the site analysis and treats residential interfaces.
- A housing diversity and adaptability report which provides information on the following requirements:
  - A mix of dwelling sizes to provide for a diversity of housing.
  - A range of dwelling types to cater to a variety of housing needs including the provision of up to 10 per cent of dwellings as affordable housing (as defined at section 3AA of the *Planning and Environment Act 1987*).
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.

- A landscape plan.
- A traffic management report prepared by a suitably qualified person which identifies, as relevant:
  - The proposed external access/egress to the site from Burwood Highway, Scoresby Road and Parkhurst Drive.
  - The capacity of surrounding roads and intersections and any traffic impacts resulting from the creation of additional access points to the site.
  - Roads, pedestrian, cyclist and vehicle access locations.
  - Any traffic management measures.
- An acoustic and air emissions report that addresses potential impacts on residential or sensitive uses from existing and potential noise and air emission sources in the adjoining Industrial 1 Zone to the west.
- An environmental management plan prepared by a suitably qualified person(s) which ensures that all necessary measures are identified and implemented to protect the environment and comply with relevant environmental legislation.
- An environmental assessment of the site prepared by a suitably qualified and experienced environmental professional must be submitted to and approved by and to the satisfaction of the responsible authority and make reference to the *Department of Sustainability and Environment, General Practice Note - Potentially Contaminated Land, June 2005*. Should the environmental assessment reveal that an environmental audit of the site is necessary, before a sensitive use commences or before the construction or carrying out of buildings or works in association with a sensitive use commences, the applicant must provide either:
  - A certificate of environmental audit in accordance with Part IXD of the *Environment Protection Act 1970*; or
  - An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of that Act that the environmental conditions of that land are suitable for the sensitive use.

### **Exemption from notice and appeal**

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, if it is generally in accordance with the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)*.

### **Decision guidelines**

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

- The *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)*.
- Any environmental management plan prepared in accordance with this schedule.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interfaces with nearby areas and existing adjoining development.
- Parking and site access.
- Lighting.

- Stormwater discharge.
- The preservation of the amenity of the nearby residents.
- The protection and enhancement of the environmental qualities of Blind Creek including the protection of the water quality of these waterways.
- The orderly management of vehicular and pedestrian traffic.
- The visual impact of the building or works upon the area.
- The management of the floodplain and catchment.

## **5.0 Advertising signs**

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Advertising sign requirements are at Clause 52.05.

All land in the area marked residential shown on the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)* is in Category 3.

All land in the area marked mixed use shown on the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)* is in Category 1.

All land in the area marked drainage / watercourse / wetlands shown on the *Burwood Highway and Scoresby Road Knoxfield Comprehensive Development Plan (September 2018)* is in Category 4.