



Victoria Government Gazette

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Planning and Environment Act 1987

Section (7)(5)

MINISTERIAL DIRECTION

I, Hon. Richard Wynne MP, Minister for Planning, amend Ministerial Direction – The Form and Content of Planning Schemes prepared under section 7(5) of the **Planning and Environment Act 1987** in accordance with **Attachment A**.

1. Amend the template to Schedule 1 to include the following additional words at sub-section 2.0 bullet point 4:
 - This exemption does not apply to a dwelling which was constructed between [insert date] and [insert date] on land that was subject to this overlay during this period.
2. Amend the template to Schedule 2 as follows:
 - a) Make administrative changes to the expression of existing words to be consistent with Schedule 1
 - b) Include additional words at sub-section 2.0 bullet point 4
 - This exemption does not apply to a dwelling which was constructed between [insert date] and [insert date] on land that was subject to this overlay during this period.

HON. RICHARD WYNNE MP
Minister for Planning

SPECIAL

Attachment A

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

07/08/2019

SCHEDULE 1 TO CLAUSE 45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO1**.

PURPOSE

To identify areas that are or will be subject to high levels of aircraft noise based on the 25 Australian Noise Exposure Forecast (ANEF) contour and to restrict use and development to that which is appropriate to that level of exposure.

1.0

07/08/2019

Use of land**Dwelling and Dependent person's unit**

A permit is required to use land for:

- Dwelling.
- Dependent person's unit.

Land must not be used for:

- More than one Dwelling on a lot.
- More than one Dependent person's unit on a lot.

Other

A permit is required to use land for:

- Art and craft centre.
- Bar.
- Brothel.
- Cinema based entertainment facility.
- Crematorium.
- Display home centre.
- Funeral parlour.
- Home based business.
- Host farm.
- Hotel.
- Indoor recreation facility.
- Office.
- Place of assembly (other than Drive-in theatre).
- Research and development centre.
- Research centre.
- Residential hotel.
- Restricted recreation facility.
- Retail premises.

Attachment A

- Veterinary centre.

Land must not be used for:

- Accommodation (other than, Dwelling, Dependent person's unit, Host farm and Residential hotel).
- Drive-in theatre.
- Education centre.
- Hospital.

2.0 Buildings and works

25/10/2021

A permit is required to construct a building or construct or carry out works for a use in Sub-Section 1.0.

A permit is not required for:

- An open sided carport, verandah, pergola or other open sided structure.
- A non-habitable room or outbuilding.
- A swimming pool or tennis court.
- An alteration or extension to a dwelling which existed as at [insert date] provided the extension is less than 50 per cent of the floor area of the dwelling at that date. This exemption does not apply to a dwelling which was constructed between [insert date] and [insert date] on land that was subject to this overlay during this period.

3.0 Subdivision

07/08/2019

Any subdivision of land which would increase the number of dwellings which the land could be used for is prohibited. This does not apply to the subdivision of land to create a lot for a dwelling in respect of which a permit has been granted.

Attachment A

[INSERT PLANNING SCHEME NAME] PLANNING SCHEME

07/08/2019

SCHEDULE 2 TO CLAUSE 45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY

Shown on the planning scheme map as **MAEO2**.

Purpose

To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure.

1.0

07/08/2019

Use of land**Dwelling**

A permit is required to use land for a Dwelling.

The development of a single lot for two or more Dwellings must not exceed a density of one Dwelling per 300 square metres.

Other use

A permit is required to use the land for:

- Accommodation.
- Arts and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.

2.0

25/10/2021

Buildings and works

A permit is required to construct a building or construct or carry out works for a use in Sub-Section 1.0.

A permit is not required to construct the following:

- An open sided carport, verandah, pergola or other open sided structure.
- A non-habitable room or outbuilding.
- A swimming pool or tennis court.
- An alteration or extension to a dwelling which existed as at [insert date] provided the extension is less than 50 per cent of the floor area of the dwelling at that date. [[Insert if required: This exemption does not apply to a dwelling which was constructed

Attachment A

between [insert date] and [insert date] on land that was subject to this overlay during this period.]]

3.0 Subdivision

07/08/2019

A permit is required to subdivide land. Each lot must be at least 300 square metres.

A permit may be granted to create smaller lots:

- If the responsible authority is satisfied the lots will not be used for Accommodation.
- Provided the average area of all lots is not less than 300 square metres. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided.

The above lot size provisions do not apply to the subdivision of land in respect of which a permit was granted before [insert date] to allow the development of that land so long as the form of the subdivision is consistent with the permitted development.

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