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SCHEDULE 9 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ9**.

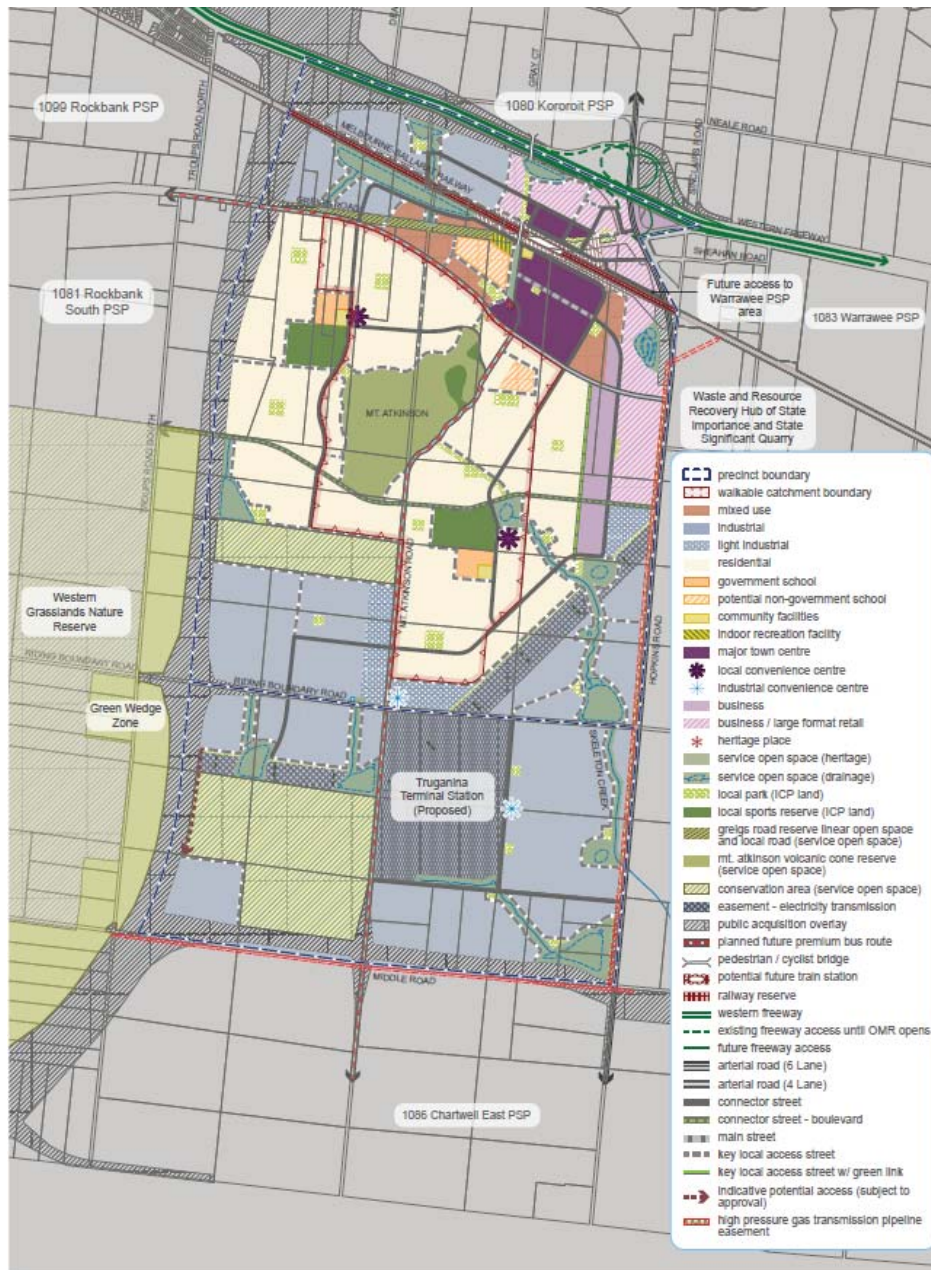
MT. ATKINSON & TARNEIT PLAINS PRECINCT STRUCTURE PLAN

1.0 The Plan

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Plan 1 below shows the future urban structure proposed in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*. It is a reproduction of Plan 3 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

Plan 1 to Schedule 9 to Clause 37.07



2.0 Use and development

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2.1 The Land

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The use and development provisions specified in this schedule apply to the land as shown within the 'precinct boundary' on Plan 1 of this schedule and shown as UGZ9 on the planning scheme maps.

Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.

2.2 Applied zone provisions

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Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Mt Atkinson & Tarneit Plains Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. The Commercial 2 Zone specifies 'Shop' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'

Table 1: Applied zone provisions

Arterial road	Clause 36.04 – Road Zone
Business Business/Large format retail	Clause 34.02 – Commercial 2 Zone
Connector street Connector street/Boulevard	Clause 36.04 – Road Zone
Industrial	Clause 33.01 – Industrial 1 Zone
Light industrial	Clause 33.03 – Industrial 3 Zone
Mixed use	Clause 32.04 – Mixed Use Zone
Major town centre Local convenience centre	Clause 34.01 – Commercial 1 Zone
Residential on a lot wholly within walkable catchment boundary	Clause 32.07 – Residential Growth Zone
All other land	Clause 32.07 – General Residential Zone

2.3 Specific provisions – Use of land

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Use of land for a school

A permit is not required to use land for:

- Primary school on land shown as Potential Non Government Primary School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- Primary school on land shown as Potential Non Government P-12 School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- Secondary school on land shown as Potential Non Government Secondary School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- Secondary school on land shown as Potential Non Government P-12 School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

Use of land for a shop

A permit is required to use land for a Shop where the applied zone is Commercial 1 Zone if the combined leasable floor area of all shops exceeds:

- 23,500 square metres for land shown as ‘major town centre’ **south** of the Melton Rail Corridor in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- 2,500 square metres for land shown as ‘major town centre’ **north** of the Melton Rail Corridor in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- 1,500 square metres for land shown as ‘local convenience centre’ in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

Use of land within the Quarry Sensitive Use Buffer

A permit is required to use land for Business college, Car wash, Dry cleaner, Employment training centre, Panel beating, Research and development centre and Tertiary institution on land shown within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

A permit is required to use land for Dry cleaning agent, Laundromat and Supermarket on land shown as ‘Business’ and ‘Business/Large Format Retail’ within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

The use of land for Dry cleaning agent, Laundromat and Supermarket on land shown as ‘Light Industrial’ within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* is prohibited.

The use of land for Accommodation, Child care centre, Education centre (other than Business college, Employment training centre or Tertiary institution) and Hotel on land shown within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* is prohibited.

Use of land within the High Pressure Gas Transmission Pipeline Measurement Length

A permit is required to use land for Accommodation (other than Dwelling), a Child care centre, Cinema based entertainment facility, Corrective institution, Education centre, Hospital, Place of assembly and Service station in the ‘high pressure gas transmission pipeline measurement length’ shown on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

Use of land for a dwelling

The use of land for a Dwelling on land shown **north** of the Melton Rail Corridor in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* is prohibited until a pedestrian bridge or underpass connecting the northern and southern parts of the Major Town Centre is constructed and operational.

Use of land for a child care centre

The use of land for a Child care centre is prohibited where the applied zone is Industrial 1 Zone.

2.4 Specific provisions - Subdivision

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None specified

2.5 Specific provisions - Buildings and works

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Buildings and works for a school

A permit is required to construct a building or construct or carry out works associated with a Primary school or Secondary school on land shown as a 'Potential non-government school' unless exempt under Clauses 62.02-1 and 62.02-2.

Dwellings on a lot less than 300 square metres

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

No buildings within Quarry Blast Buffer

The construction of a building (not including a temporary building, a building associated with a minor utility installation, a renewable energy facility or telecommunications facility, a structure, a fence or other appurtenances of a building) on land shown within the quarry blast buffer on Plan 11 of the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* is prohibited.

Gas pipeline construction management plan required whether or not a permit is required

Prior to the commencement of any works, including demolition, on land within, or within 50 metres of the boundary of the high pressure gas transmission pipeline easement on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the owner/ operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may, with the prior approval of the pipeline owner and operator, be amended to the satisfaction of the responsible authority.

2.6 Specific provisions – Urban design framework

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Except with the consent of the responsible authority and the Victorian Planning Authority, a permit may not be granted to use or subdivide land, or construct a building and carry out works on land identified as 'Mt Atkinson Major Town Centre Urban Design Framework Extent', 'Western Freeway Commercial Area Urban Design Framework Extent' or 'Hopkins Road Business Precinct Commercial Areas Urban Design Framework Extent' on Plan 6 of the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*, until an urban design

framework for the area has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land. Prior to approving an urban design framework for the 'Hopkins Road Business Precinct', the responsible authority and the Victorian Planning Authority must seek the views of the owner and operator of the Boral Ravenhall Quarry and the Secretary to the Department of Economic Development, Jobs, Transport and Resources in relation to how the urban design framework responds to the potential impacts of the quarry.

An application for use and/or development on land identified as 'Mt Atkinson Major Town Centre Urban Design Framework Extent', 'Western Freeway Commercial Area Urban Design Framework Extent' or 'Hopkins Road Business Precinct Commercial Areas Urban Design Framework Extent' on Plan 6 of the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the relevant objectives in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

The responsible authority may allow an urban design framework to be prepared in stages.

The urban design framework may be amended to the satisfaction of the responsible authority and the Victorian Planning Authority.

2.7

Specific provisions – Referral of applications

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Mt Atkinson major town centre

An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of \$500,000) on land identified as 'Mt Atkinson Major Town Centre Urban Design Framework Extent' on Plan 6 of the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must be referred in accordance with Section 55 of the *Planning and Environment Act 1987* to the Victorian Planning Authority

Ravenhall Quarry

An application to use land, or to construct a building on land, identified within the 'Quarry Sensitive Use Buffer' shown on Plan 11 of the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must be referred in accordance with Section 55 of the *Planning and Environment Act 1987* to the Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990.

3.0

Application requirements

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If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

Subdivision - Residential development

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of each part of the land, and the staging of the development for all land in contiguous ownership with the land under application.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A plan showing any lots proposed as multi-dwelling sites, labelling these lots as a 'multi-dwelling site'.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.
- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on groundwater.
- A preliminary site assessment, carried out by a suitably qualified person, of the potential for contaminated land as a result of previous land uses.

Public Infrastructure Plan

An application to subdivide, use or develop land must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected and/or required for the provision of infrastructure works;
- The provision, staging and timing of road works internal and external to the land, consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the infrastructure contributions plan applying to the land is sought to be provided as "works in lieu", subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Traffic Impact Assessment

An application that proposes to create or change access to a six lane or four lane arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of the relevant road management authority (Roads Corporation or Melton City Council), as required.

Railway noise attenuation

An application for use or development within the 'railway noise amenity area' on Plan 11 of the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority and Public Transport Victoria.

- The acoustic assessment report must demonstrate compliance with 'Section 12 – Commercial Frontage – Railway Interface' cross-section in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- The acoustic assessment report must also include (as appropriate to the particular use or development):
 - An assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing operation of the Melbourne-Ballarat rail line.

- Recommendations for noise attenuation measures designed to achieve the following internal noise levels:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
 - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm
- Recommendations for limiting the impact of railway noise on future buildings within the proposed subdivision.
- A design response that addresses the recommendations of the acoustic assessment including all necessary architectural noise attenuation treatments.

All of the above application requirements are to be to the satisfaction of the responsible authority and Public Transport Victoria.

Subdivide, use or develop land for a sensitive purpose - Environmental Site Assessment

An application to subdivide, use or develop land identified in Table 2 of this schedule for a sensitive use (residential use, child care centre or primary school) must be accompanied by an Environmental Site Assessment, prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority, which takes account of the report titled ‘PSP 1082 Mt Atkinson & PSP 1085 Tarneit Plains, Land Capability Assessment (Jacobs, 2 July 2015’) and provides information including:

- Further detailed assessment of potential contaminants on the land;
- Clear advice on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of all, or part, of the land is recommended, having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*;
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics (including soil and groundwater sampling) on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water; and
- Recommended remediation actions for any potentially contaminated land.

Table 2: Environmental Site Assessment

Address	Legal Description
2-50 Meskos Road, Rockbank (rock crushing & concrete batching plant)	Lot 3/PS448579
671-737 Troups Road South Mount Cottrell (Nevas Chicken Farm)	Allot. 5 Sec. 6 Parish of Pywheitjorrk

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Conditions and requirements for permits

Conditions – Subdivision permits that allow the creation of a lot less than 300 square metres

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 to and approved by 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 into the Melton 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.

Conditions – Subdivision or buildings and works permits where land is required for community facilities, public open space or road widening

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Requirement – Management of bushfire risk during subdivisional works

A permit for subdivision that contains a condition requiring a construction management or site management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

Condition – Environmental Management Plan

A permit for subdivision, buildings or works on land shown as a conservation area (other than Conservation Area – Local) in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must include the following condition:

- The subdivision, buildings or works must not commence until an Environmental Management Plan for the relevant works has been approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.

Conditions – Kangaroo Management

A permit for subdivision of land must include the following conditions:

- Before the certification of the Plan of Subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning.
- Once approved the plan will be endorsed by the responsible authority and form part of the permit

Condition – Salvage and Translocation

A planning permit for subdivision, buildings or works must include the following condition:

- Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Conditions – Protection of conservation areas and native vegetation during construction

A permit to subdivide land where construction or works are required to carry out the subdivision, or a permit to construct a building or carry out works on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*, must ensure that:

- Before the commencement of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation, the developer of the land must erect a conservation area/vegetation protection fence that is:
 - highly visible
 - at least 2 metres in height
 - sturdy and strong enough to withstand knocks from construction vehicles
 - in place for the whole period of construction
 - located the following minimum distance from the element to be protected:

Element	Minimum distance from element
Conservation area	2 metres
Scattered tree	Twice the distance between the tree trunk and the edge of the tree canopy
Patch of native vegetation	2 metres

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
 - be located not less than 15 metres from a waterway;
 - be located outside the vegetation protection fence;
 - be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
 - not be undertaken if it presents a risk to any vegetation within a conservation area; and
 - be carried out under the supervision of a suitably qualified ecologist or arborist.

Conditions – Land Management Co-operative Agreement

A permit to subdivide land shown to be in a conservation area in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must ensure that, before the commencement of works for the final stage of the subdivision, the owner of the land:

- Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
 - Must provide for the conservation and management of that part of the land shown as a conservation area in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*; and
 - May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*.
- Makes application to the Registrar of Titles to register the agreement on the title to the land.

- Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area identified in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* that is:

- identified the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
- identified in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
- the subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to transfer or gift that land to:
 - the Secretary to the Department of Environment, Land, Water and Planning;
 - the Minister for Environment and Climate Change; or
 - another statutory authority.

All to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Condition – Public transport

Unless otherwise agreed to by Public Transport Victoria, prior to the issue of a statement of compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder as follows:

- Generally in the location identified by Public Transport Victoria;
- In accordance with the *Public Transport Guidelines for Land Use and Development* with a concrete hard stand area, and in activity centres a shelter must also be constructed;
- Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
- Be provided with direct and safe pedestrian access to a pedestrian path.

All to the satisfaction of Public Transport Victoria and the responsible authority.

Requirement – Railway noise attenuation area

Any permit for the use or development of land, within the ‘railway noise amenity area’ on Plan 11 of the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must implement any recommendations of the acoustic assessment and include any conditions necessary, in the opinion of the responsible authority and Public Transport Victoria, to implement railway noise attenuation measures.

All to the satisfaction of the responsible authority and Public Transport Victoria.

Requirement – Environmental Site Assessment for use and development of land listed in Table 2

Prior to the commencement of a sensitive use, or the commencement of development associated with a sensitive use, or the certification of a Plan of Subdivision, or a stage of subdivision, under the *Subdivision Act 1988* associated with a sensitive use, the recommendations of the Environmental Site Assessment lodged with the application must be carried out to the satisfaction of the responsible authority along with any further requirements made by the responsible authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land June 2005* (DSE). The use

or development must not commence, or the plan of subdivision must not be certified, until the responsible authority is satisfied that the land is suitable for the intended use.

5.0 Exemption from notice and review

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An application to use land for a use listed in Section 2 of the General Residential Zone and Residential Growth Zone on land where the applied zone listed at Table 1 of this schedule is General Residential Zone or Residential Growth Zone, is not 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.

Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application to use land or construct a building or carry out works associated with any of the following uses within the 'high pressure gas transmission pipeline measurement length', shown on Plan 11 in the incorporated *Mt Atkinson & Tarneit Plains Precinct Structure Plan*:

- Accommodation (other than a Dwelling)
- Child care centre
- Cinema based entertainment facility
- Corrective institution
- Education centre
- Hospital
- Place of assembly
- Retail
- Service station

6.0 Decision guidelines

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Mt Atkinson Major Town Centre – Use of land for a Shop

Before deciding on an application to use land for a shop on land identified within the Mt Atkinson Major Town Centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area;
- The effect on existing and future major town centres within the City of Melton; and
- The extent to which the use of land for a shop on land to the north of the rail corridor might prejudice the development, expansion or operation of the retail core to the south of the rail corridor.

Ravenhall Quarry Sensitive Use Buffer

Before deciding on an application to use land or construct a building within the Quarry Sensitive Use Buffer, in addition to the decision guidelines in Clause 37.07-14, the responsible authority must consider the effect that emissions of noise, vibration, odour, dust and grit from the nearby Ravenhall Quarry (located east of Hopkins Road) may have on the proposed use or building.

7.0 Advertising signs

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Land is in the category specified in the applied zone.

Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres;
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- The sign is not an animated, scrolling, electronic or internally illuminated sign;
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign with an area greater than 10 square metres promoting the sale of land or homes on the land (or on adjoining land in the same ownership).

If the sign does not meet all of the requirements listed above, it must comply with the provisions of Clause 52.05.

Education / community promotion signs

Despite the provisions of Clause 52.05, a permit may be granted, for a period of not more than 5 years, to display an advertising sign greater than two square metres in area that promotes a community facility or education centre on the land identified as community facilities, potential government school, potential non-government school and credited open space on Plan 1 of this schedule.