

27/05/2019
C239wsea

SCHEDULE 6 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ6.

DONNYBROOK-WOODSTOCK PRECINCT STRUCTURE PLAN

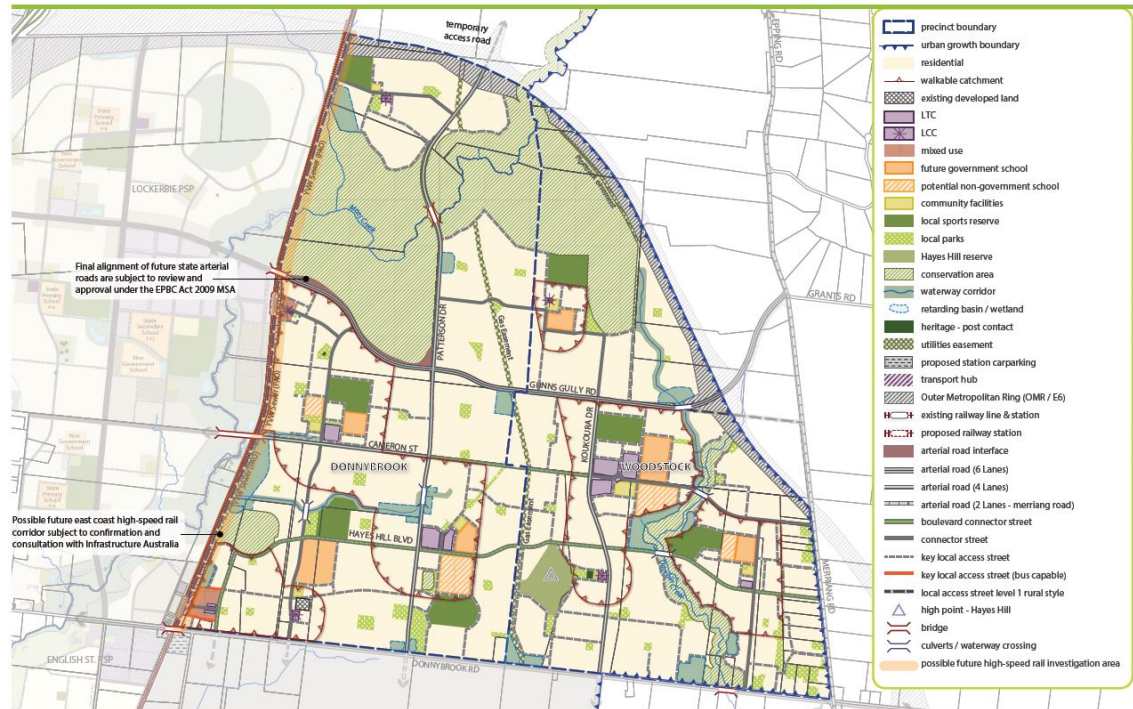
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27/05/2019
C239wsea

The Plan

Plan 1 below shows the future urban structure proposed in the Donnybrook-Woodstock Precinct Structure Plan, October 2017. It is a reproduction of Plan 3 in the Donnybrook-Woodstock Precinct Structure Plan, October 2017.

Plan 1 to the Schedule to Clause 37.07



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27/05/2019
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Use and development

2.1

27/05/2019
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The Land

The provisions of this schedule apply to the land within the ‘precinct boundary’ shown on Plan 1 of this schedule and shown as UGZ6 on the planning scheme maps.

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27/05/2019
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Applied zone provisions

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 Donnybrook-Woodstock Precinct Structure Plan, October 2017, 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.

For example: 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

Land shown on plan 1 of this schedule Arterial road (6 lanes) / Outer Metropolitan Ring Transit Corridor	Clause 36.04 – Road Zone – Category 1
Land shown on plan 1 of this schedule Arterial road (4 lanes)	Clause 36.04 – Road Zone – Category 2
Land shown on plan 1 of this schedule Mixed Use	Clause 32.04 – Mixed Use Zone
Land shown on plan 1 of this schedule Local town centre / Local convenience centre	Clause 34.01 – Commercial 1 Zone
Land shown on plan 1 of this schedule Residential on a lot wholly within a walkable catchment	Clause 32.07 – Residential Growth Zone
Land shown on plan 1 of this schedule All other land	Clause 32.08 – General Residential Zone

2.309/08/2018
GC106**Specific provisions – Use of land****Table 2: Use of land****Section 1 - Permit not required**

Use	Condition
Primary school	Must be on land shown as Potential Non-Government School P- 6 or P-12 in the <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i> .
Secondary school	Must be on land shown as Potential Non-Government School P-12 or 7-12 in the <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i> .
Shop	Where the applied zone is Commercial 1 Zone and the combined leasable floor area of all shops does not exceed: <ul style="list-style-type: none"> ▪ 1,500m² for land shown as retail in the Donnybrook Farmhouse Local Town Centre (LCC1) and Merri-stock Local Convenience Centre (LCC5) in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i>. ▪ 1,000m² for land shown as retail in Lockerbie Station Local Convenience Centre (LCC2), Hayes Hill Local Convenience Centre (LCC3), and Woodlands Local Convenience Centre (LCC4) in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i>. ▪ 21,500m² for land shown as retail in Koukoura Drive Local Town Centre (LTC1) in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i>. ▪ 10,000m² for land shown as retail in Patterson Drive Local Town Centre (LTC2) in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i>. ▪ 5,000m² for land shown as retail in Lockerbie East Local Town Centre (LTC3) in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i>. ▪ 2,000m² for land shown as retail in Darebin Creek Local Town Centre (LTC4) in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i>.

Use	Condition
	<ul style="list-style-type: none"> 2,500m² for land shown as retail in Donnybrook Station Local Town Centre (LTC5) in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan, October 2017</i>.
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3 of the applied zone	

Section 3 – Prohibited

Use
Any use not in Section 1 or 2 of the applied zone

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GC28

Specific provision – Subdivision

None specified.

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24/06/2020
GC150

Specific provision – Buildings and works

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 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 (Victorian Planning Authority, November 2019)* incorporated pursuant to Clause 72.04 of the Whittlesea Planning Scheme.

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 non-government school unless exempt under Clauses 62.02-1 and 62.02-2.

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27/05/2019
C239wsea

Application requirements

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

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 must include, to the satisfaction of the responsible authority:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;

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- A demonstration of how the proposed subdivision will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land;
- A demonstration of lot size diversity by including a colour coded lot size plan, reflecting the lot size categories and colours outlined in Table 2 - Lot size and Housing Type Guide in the *Donnybrook-Woodstock Precinct Structure Plan, October 2017*;
- A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels;
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to Plan 5 – Character and Housing and any tree protection requirements and guidelines within the *Donnybrook-Woodstock Precinct Structure Plan, October 2017*;
- Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives, planning and design requirements and guidelines within the “Housing” section of the *Donnybrook-Woodstock Precinct Structure Plan, October 2017* incorporated into this scheme;
- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Whittlesea City Council and Melbourne Water;
- A Site Management Plan that addresses bushfire risk during, and where necessary, after construction which is approved by the Country Fire Authority (CFA). The plan must specify, amongst other things:
 - The staging of development and the likely bushfire risks at each stage;
 - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed;
 - The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire;
 - Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the PSP.

Public Infrastructure Plan

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of stormwater drainage works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- What, if any, infrastructure set out in the Precinct Infrastructure Plan in Table 9 of the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017* 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.

Use or develop land for a sensitive purpose – Environmental Site Assessment

An application to develop land described in Table 3 below for a sensitive use (including accommodation, child care centre, kindergarten, primary school or public open space) must be accompanied by a detailed site investigation (Phase 2 assessment) conducted by a suitably qualified professional (contaminated land) for the Environmental Assessment Areas ranked as ‘High Potential for Contamination’ and ‘Medium Potential for Contamination’ in the *Woodstock Precinct Structure Plan 1096, Environmental, Hydrological & Geotechnical Assessment (Meinhardt, June 2013)* and *Growth Areas Authority - Donnybrook Precinct Structure Plan 1067, Environmental, Hydrological & Geotechnical Assessment (Meinhardt, June 2013)*. The Phase 2 assessment must provide for the following information:

- Further detailed assessment of potential contaminants on the relevant land;
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics 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
- An unequivocal recommendation on whether the environmental condition of the land is suitable for the proposed use/s or whether an environmental audit in accordance with Part IXD of the Environment Protection Act 1970 for all or part of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.

Table 3

Address	Legal Description
1025 Donnybrook Road, Donnybrook	Lot 1 TP843230 only
895A & 895B Donnybrook Road, Donnybrook	Lot 3 PS334583
855 Donnybrook Road, Donnybrook	Lot 1 PS334583
875 Donnybrook Road, Donnybrook	Lot 2 PS334583
835 Donnybrook Road, Donnybrook	Lot 2 PS449806
905 Donnybrook Road, Donnybrook	Lot 1 TP663551
915 Donnybrook Road, Donnybrook	Lot 1 TP248727
975 Donnybrook Road, Donnybrook	Lot 1 TP444829
1085 Merriang Road, Woodstock	Lot 8 LP56455
1131 Merriang Road, Woodstock	Lot 1 LP83456
1135 Merriang Road, Woodstock	Lot 3 LP56455
1145 Merriang Road, Woodstock	Lot 2 LP99885
1165 Merriang Road, Woodstock	Lot 1 LP99885
1305 Donnybrook Road, Woodstock	Lot 2 LP130685
1285 Donnybrook Road, Woodstock	Lot 1 LP130685
1145 Donnybrook Road, Woodstock	Lot 1 LP208748
1145 Donnybrook Road, Woodstock	Lot 2 LP208748 only
1315 Merriang Road, Woodstock	Lot 2 LP123745
825 Donnybrook Road, Donnybrook	Lot 1 PS449806

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Address	Legal Description
845 Donnybrook Road, Donnybrook	Lot 1 TP827515
1085 Donnybrook Road, Donnybrook	Lot 1 LP77367
1025 Merriang Road, Woodstock	Lot 14 LP64456
1343-1345 Donnybrook Road, Woodstock	Lot 16 LP56455
1325 Donnybrook Road, Woodstock	Lot 17 LP56455
1035 Merriang Road, Woodstock	Lot 13 LP56455
1045 Merriang Road, Woodstock	Lot 12 LP56455
1055 Merriang Road, Woodstock	Lot 11 LP56455
1065 Merriang Road, Woodstock	Lot 10 LP56455
1075 Merriang Road, Woodstock	Lot 9 LP56455
1105 Merriang Road, Woodstock	Lot 2 LP82581
1115 Merriang Road, Woodstock	Lot 1 LP82581
1125 Merriang Road, Woodstock	Lot 2 LP83456
1265 Donnybrook Road, Woodstock	Lot 19 LP56455
1255 Donnybrook Road, Woodstock	Lot 20 LP56455
1235 Merriang Road, Woodstock	Lot 2 TP366337 only

Kangaroo management

An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:

- Strategies to avoid land locking kangaroos, including staging of subdivision; and
- Management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.
- Where a Kangaroo Management Plan has been approved in respect of the land to which the application applies, the application must be accompanied by:
 - A copy of the approved Kangaroo Management Plan; and
 - A ‘design/management response’ statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

Traffic Impact Assessment

An application that proposes to create or change access to a primary or secondary 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 VicRoads or the Whittlesea City Council, as required.

Dry Stone Walls

Dry stone walls identified with a ‘moderate’ to ‘very high’ retention value on *Plan 5 – Character and Housing* of the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017* must be retained as part of any future development, unless otherwise agreed to by the Responsible Authority after consideration of overall design response and following receipt of advice from a suitably qualified professional regarding the condition of the wall.

Rail noise assessment

An application for use or development within 80 metres of the existing Melbourne-Sydney rail track which in the opinion of the responsible authority is likely to be impacted by rail noise such as a child care centre, display home, hospital, hotel or tavern must be accompanied by an assessment of noise and vibration impacts on the development from the rail operations. The acoustic assessment must be prepared by an acoustic engineer or other suitably qualified person to the satisfaction of the responsible authority. The acoustic assessment must:

- Provide an assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing operation of V-Line and Australian Rail and Track Corporation (ARTC) operations; and
- Include recommendations for noise attenuation measures designed to ensure that internal noise levels in bedrooms are not greater than 35 dB Leq8h from 10pm to 6am.

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Conditions and requirements for permits

Condition - subdivision permits that allow the creation of a lot of less than 300 square metres

Prior to 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 provision of the Incorporated Document *Small Lot Housing Code (Victorian Planning Authority, November 2019)*.

The Plan of Subdivision submitted for certification must identify whether Type A or Type B of the *Small Lot Housing Code (Victorian Planning Authority, November 2019)* applies to each lot to the satisfaction of the responsible authority.

Condition - Land required for community facilities and open space

Land required for community facilities and public open space for use as a local or district park, as set out in the *Donnybrook-Woodstock Precinct Structure Plan, October 2017* or the incorporated *Donnybrook-Woodstock Infrastructure Contributions Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by the incorporated *Donnybrook-Woodstock Infrastructure Contributions Plan*.

Condition - Gas pipeline construction management plan

Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the gas pipeline easement shown on *Plan 16 – Utilities* in the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017*, 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 operator of the gas transmission pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The Responsible Authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

The Construction Management Plan must be implemented to the satisfaction of the responsible authority.

The Construction Management Plan may be amended to the satisfaction of the responsible authority.

Conditions - Biodiversity and threatened species

Any permit for subdivision must contain the following conditions:

Kangaroo Management Plan

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.

The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

Environment Management Plans

A planning permit for subdivision or buildings or works on land shown as a conservation area in the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017* must include the following condition:

- Prior to certification of the plan of subdivision or the commencement of buildings or works an Environmental Management Plan for the relevant works must be approved to the satisfaction of the Department of Environment, Land, Water and Planning and responsible authority, unless otherwise agreed by the Department of Environment, Land, Water and Planning and responsible authority.

Protection of conservation areas and native vegetation during construction

A permit granted to subdivide land or a permit granted to construct a building or carry out works, where this precinct structure plan shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree must contain the following conditions:

- Prior to the commencement of works in or around a conservation area, scattered native tree or patch of native vegetation, a conservation area/vegetation protection fence must be erected that is:
 - Highly visible
 - At least 2 metres in height
 - Sturdy and strong enough to withstand knocks from construction vehicles
 - Kept 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 from the edge of the area
Scattered tree	The distance as shown in the incorporated <i>Donnybrook-Woodstock Precinct Structure Plan</i> (Section 4.6)
Patch of native vegetation	2 metres from the edge of the area

- 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 required protective 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;
 - Be carried out under direct supervision of a suitably qualified ecologist or arborist; and
 - Not be undertaken if the qualified ecologist or arborist who is familiar with the requirements of the incorporated precinct structure plan is of the opinion that the various activities presents a risk to any vegetation within a conservation area.

Land Management Cooperative Agreement

A permit to subdivide land shown in a Conservation Area Concept Plan (CACP) in the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017* as including a conservation area must ensure that the owner of the land:

- Enters into a Land Management Cooperative Agreement (LMCA) with the Secretary to the Department of Environment, Land, Water and Planning (DELWP) 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 incorporated PSP (a conservation area);
 - 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; and
 - Pays the reasonable costs of the Secretary to DELWP in the preparation, execution and registration of the agreement.

The requirement for a LMCA in this condition does not apply to land or any lot or part of a lot within a conservation area that:

- Is identified in the incorporated PSP 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
- Is identified in the incorporated PSP as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
- Is within a Conservation Area identified in the incorporated PSP for nature conservation and is vested, or is subject of an agreement with the Secretary to the DELWP to be vested in the Secretary to DELWP for conservation purposes; or
- Is the subject of an agreement with the Secretary to DELWP to transfer or gift that land to:
 - The Secretary to DELWP;
 - The Minister administering the Conservation, Forests and Lands Act, 1987; or
 - Another statutory authority;to the satisfaction of the Secretary to DELWP.

The LMCA must be entered into:

- In relation to land containing Nature Conservation or Open Space conservation area, prior to the commencement of works; or
- In relation to land containing Growling Grass Frog conservation area, before the issue of a statement of compliance for the last stage of the subdivision.

Condition - Public transport

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the *Public Transport Guidelines for Land Use and Development*; and compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

Condition - Road network

Any permit for subdivision or building and works must contain the following conditions:

- Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.
- Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless affected by the Public Acquisition Overlay or funded by the incorporated *Donnybrook-Woodstock Infrastructure Contributions Plan*.

Condition - Precinct Infrastructure Plan

Any permit for subdivision must contain the following condition:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:
 - The implementation of the Public Infrastructure Plan approved under this permit.

Requirement – Rail noise attenuation

Any permit for the use or development of land, within 80 metres of the existing Melbourne-Sydney rail track in the *Donnybrook-Woodstock Precinct Structure Plan, October 2017* must implement any recommendations of the acoustic assessment submitted with the application and include any conditions necessary, in the opinion of the responsible authority, to implement railway noise attenuation measures.

All to the satisfaction of the responsible authority.

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Exemption from notice and review

None specified.

Notice to gas transmission pipeline licensee

Notice of an application of the kind listed below must be given in accordance with section 52(1)(c) of the Act to the person or body specified in the Schedule to Clause 66.06:

- An application on land shown within the gas pipeline measurement length on Plan 16 - Utilities in the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017* for any of the following:
 - Residential aged care
 - Child care centre
 - Cinema based entertainment facility
 - Education centre
 - Hospital
 - Place of Assembly
 - Retail premises.

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Decision guidelines

None specified.

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Sign requirements are at Clause 52.05. All land within the Donnybrook-Woodstock Precinct Structure Plan area is included in the category specified in its applied zone at Clause 2.2 of this schedule.

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 display 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 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 750 millimetres from the property boundary.

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

Note: Operation of Commonwealth Environmental Laws. On 5 September 2013 an approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval. Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required.