SCHEDULE 2 TO CLAUSE 45.08 MELBOURNE AIRPORT ENVIRONS OVERLAY

13/12/2023

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 Use of land

13/12/2023

**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.

**Small second dwelling**

A permit is required to use land for a Small second dwelling.

The development of a Dwelling and Small second dwelling on a single lot must be on a lot of at least 600 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 Buildings and works

13/12/2023

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 car port, 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% of the floor area of the Dwelling at that date. [[Insert if required: 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

13/12/2023

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 the date of commencement of Amendment VC173 or in accordance with the transitional arrangements for VC173 in Clause 45.08-7 to allow the development of that land so long as the form of the subdivision is consistent with the permitted development.