

**37.08**31/07/2018  
VC148**ACTIVITY CENTRE ZONE**

Shown on the planning scheme map as **ACZ** with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage a mixture of uses and the intensive development of the activity centre:

- As a focus for business, shopping, working, housing, leisure, transport and community facilities.
- To support sustainable urban outcomes that maximise the use of infrastructure and public transport.

To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.

To facilitate use and development of land in accordance with the Development Framework for the activity centre.

**37.08-1**17/09/2009  
VC59**Operation**

A schedule to this zone comprises the Development Framework for the activity centre.

A schedule to this zone must contain:

- A framework plan for the activity centre.
- A statement of the activity centre land use and development objectives to be achieved.

A schedule to this zone may contain:

- Centre-wide provisions.
- Precinct provisions.

**37.08-2**17/09/2009  
VC59**Table of uses****Section 1 - Permit not required**

| Use   | Condition   |
|---|---|
| Any use in Section 1 of the schedule to this zone | Must comply with any condition in Section 1 of the schedule to this zone. |

**Section 2 - Permit required**

| Use   | Condition   |
|---|---|
| Any use in Section 2 of the schedule to this zone | Must comply with any condition in Section 2 of the schedule to this zone. |

**Section 3 - Prohibited**

| Use   |
|---|
| Any use in Section 3 of the schedule to this zone |

**37.08-3**17/09/2009  
VC59**Use of land**

Any requirement in the schedule to this zone must be met.

**37.08-4**31/07/2018  
VC148**Subdivision**

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application   | Information requirements and decision guidelines |
|--|--|
| Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>  | Clause 59.01                                     |
| Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul> | Clause 59.02                                     |
| Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>– Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>   | Clause 59.02                                     |

**37.08-5**31/07/2018  
VC148**Buildings and works**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application | Information requirements and decision guidelines |
|----------------------|--|
|----------------------|--|

Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not:

- Within 30 metres of land (not a road) which is in a residential zone.
- Used for a purpose listed in the table to Clause 53.10.

### Transitional provisions

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

## 37.08-6

17/09/2009  
VC59

### Design and development

A schedule to this zone may include requirements relating to:

- Building setbacks.
- Building height.
- Building materials.
- Access.
- Landscaping.
- Public realm.
- Any other requirements or guidelines relating to the design or built form of new development.

A permit may be granted to construct a building or construct or carry out works which is not in accordance with any design and development requirement in the schedule to this zone unless the schedule to this zone specifies otherwise.

## 37.08-7

01/07/2021  
VC203

### Application requirements

#### Use

An application to use land must be accompanied by the following information, as appropriate:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
  - The siting and use of buildings.
  - Areas not required for immediate use.
  - Adjacent buildings and uses.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access, glare, air-borne emissions and emissions to land and water.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.

- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1995* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- Any other information specified in the schedule to this zone.

### Subdivision

An application to subdivide land must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The pattern of subdivision of the surrounding area.
  - Easements.
  - Location of drainage and other utilities.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Access points.
  - Any natural features.
- Any other information specified in the schedule to this zone.

### Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - The internal layout and use of the proposed development.
  - All access and pedestrian areas.
  - All driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
  - The building form and scale.

- Setbacks to property boundaries.
- Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- Shadow diagrams based on the equinox shown for existing conditions and the proposed development.
- A schedule of finishes for the proposed development detailing materials and colours of external surfaces including walls, roofs and fences.
- A written statement providing an assessment of the proposal against the relevant sections of the Planning Policy Framework, Activity Centre Zone and any relevant overlays.
- An assessment of the characteristics of the area including:
  - Any environmental features such as vegetation, topography and significant views.
  - Street design and landscape.
  - The pattern of development.
  - Building form, scale and rhythm.
  - Architectural style, building details and materials.
  - Connection to the public realm.
  - Any significant noise, odour, fume and vibration sources to and/or from the development.
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- An urban context report and design response as required in Clause 58.01 for an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.
- Any other information specified in the schedule to this zone.

### 37.08-8

31/07/2018  
VC148

#### Exemption from notice and review

An application under Clauses 37.08-2, 37.08-4, 37.08-5 or 37.08-6 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 unless the schedule to this zone specifies otherwise.

A schedule to this zone may specify an application in respect of land in an Activity Centre Zone under any other specified provision of this scheme 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.

### 37.08-9

20/12/2021  
VC174

#### Decision guidelines

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

##### General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The development framework plan set out in the schedule to this zone.
- The land use and development objectives set out in the schedule to this zone.

## VICTORIA PLANNING PROVISIONS

- The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
  - existing uses are not compromised by a new development, or
  - a new development is designed to address amenity impacts from existing uses.
- Any requirements set out in the schedule to this zone.
- Any other decision guidelines specified in the schedule to this zone.

### Access

- Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.

### Use

- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.

### Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

### Design and built form

- The design, scale, height, setback, appearance and material of the proposed buildings and works.
- The provision for solar access to the building and on the public realm.
- The design of the public realm.
- The relationship between the proposed building and the public realm.
- The streetscape, including the conservation of buildings, the design of verandas, access from the street front, provision of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The interface with adjoining zones, especially the relationship with residential zones.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- The storage of rubbish and materials for recycling.

### Transitional provisions

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**37.08-10**

31/07/2018  
VC148

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1 unless a schedule to this zone specifies a different category.

**37.08-11**

17/09/2009  
VC59

**Other provisions of the scheme**

The schedule to this zone may specify that other provisions of the scheme do not apply.

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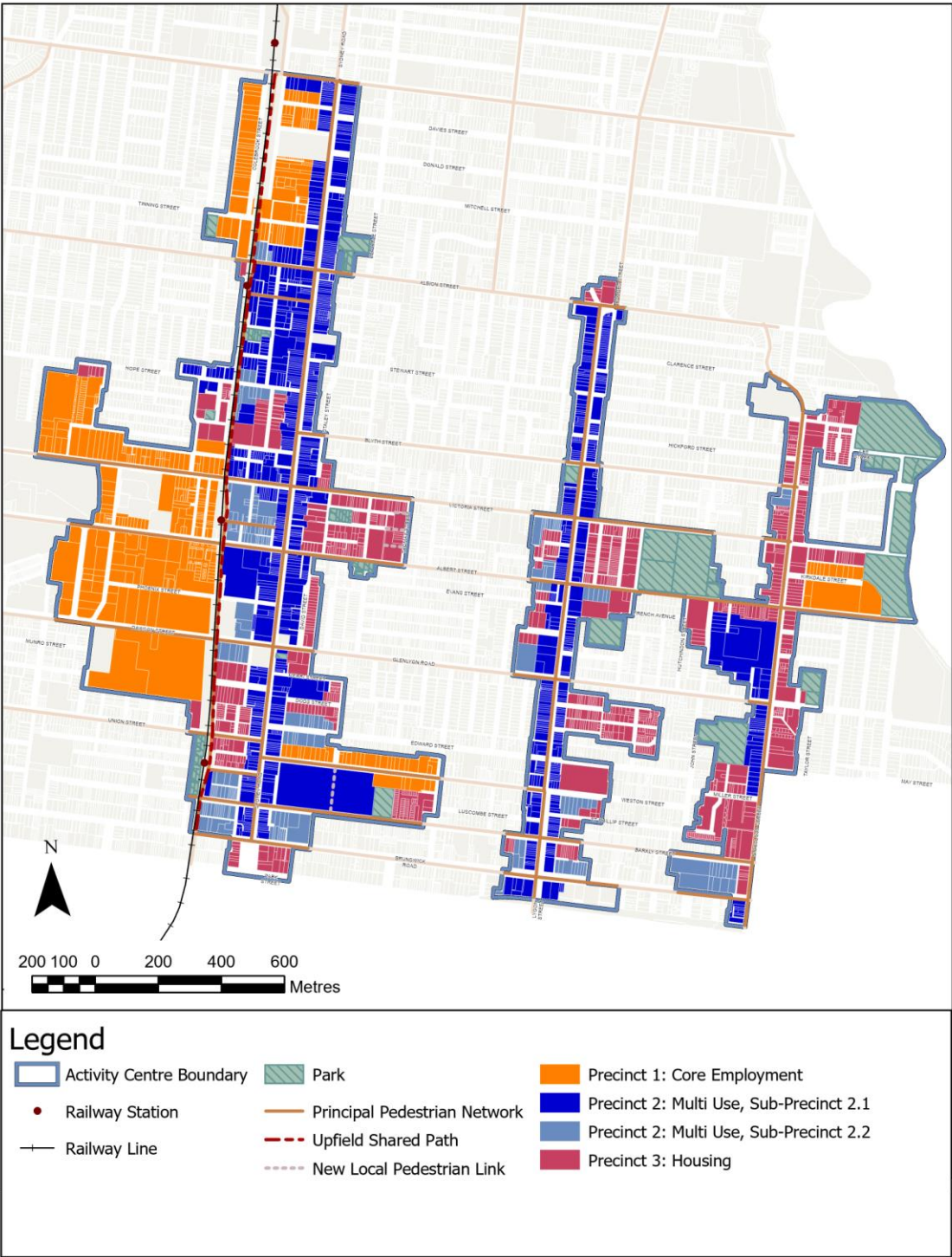
SCHEDULE 2 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as **ACZ2**.

BRUNSWICK ACTIVITY CENTRE

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Map 1 Brunswick Activity Centre framework





## 2.0 Land use and development objectives to be achieved

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### Land use

- To encourage a thriving economy, job growth and a diversity of employment.
- To facilitate growth in the Health Care and Social Assistance, Retail and Food Services, Creative and Cultural, Professional, Scientific and Technical Services, Education and Training, Construction and Manufacturing sectors.
- To encourage the provision of housing close to jobs and public transport for Moreland's growing and changing population.
- To maintain amenity for residential uses within and adjacent to the activity centre by ensuring they are protected from unreasonable levels of noise.

### Built form

- To encourage a mid-rise built form character at a scale that is appropriate to the context.
- To maintain the visual cohesion and dominance of street walls, with any height above the street wall being visually recessive and not dominating the streetscape from immediate and longer range viewing positions at ground level.
- To encourage facades that respond to frontage widths and the context.
- To manage amenity impacts of development on residential properties within and adjacent to the activity centre and encourage a transition in building height to adjoining residential areas.

### Vibrant streets and high quality public realm

- To enhance the vibrancy of the public realm by encouraging ground level activity and providing active frontages.
- To enhance the pedestrian scale at street level by setting back upper levels of buildings from the street frontage.
- To enhance the amenity of the Principal Pedestrian Network.
- To ensure new buildings allow good sunlight access, amenity and safety for users of streets, public spaces and parks.

## 3.0

## Table of uses

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## Section 1 - Permit not required

| Use  | Condition   |
|--|---|
| <b>Accommodation (other than Caretaker's house, Community care accommodation, Corrective institution, Dependent person's unit, Dwelling and Rooming house)</b> | <p>Must be located in Sub Precinct 2.1.</p> <p>In Sub Precinct 2.1:</p> <ul style="list-style-type: none"> <li>Any frontage at ground floor level must not exceed 2 metres.</li> <li>70sqm of leasable commercial floor area, exclusive of car parking, loading bays and basement storage space, must be provided to each 100 sqm of site area.</li> </ul>  |
| <b>Apiculture</b>  |   |
| Art and craft centre   | Must be located in Precinct 1 or 2.   |
| Bed and breakfast  | <p>Must be located in Precinct 3.</p> <p>No more than 10 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p>  |
| Child care centre  | <p>Must be located in Precinct 1 or 2.</p> <p>Must not be on land that is contaminated or potentially contaminated.</p> <p>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from an Adult sex product shop or Brothel.</p> <p>Any frontage at ground floor level must not exceed 2 metres.</p>                    |
| Cinema-based entertainment facility  | <p>Must be located in Precinct 1 or 2.</p> <p>The leasable floor area must not exceed 200 square metres.</p>  |
| Community care accommodation   | <p>Must be located in Precinct 2 or 3.</p> <p>Must meet the requirements of Clause 52.22-2.</p>   |
| Convenience restaurant   | <p>Must be located in Precinct 1 or 2.</p> <p>In Precinct 1, the leasable floor area must not exceed 150 square metres.</p>   |
| Convenience shop   | Must be located in Precinct 1 or 2.   |
| Dependent person's unit  | <p>Must be located in Precinct 2 or 3.</p> <p>Must be the only Dependent person's unit on the lot.</p> <p>In Precinct 2, any frontage at ground floor level must not exceed 2 metres.</p>   |
| Domestic animal husbandry (other than Domestic animal boarding)  | <p>Must be located in Precinct 3.</p> <p>Must be no more than 2 animals.</p>  |
| <b>Dwelling</b>  | <p>Must be located in Sub Precinct 2.1 or 3.</p> <p>In Precinct 2.1:</p> <ul style="list-style-type: none"> <li>Any frontage at ground floor level must not exceed 2 metres.</li> <li>70sqm of leasable commercial floor area, exclusive of car parking, loading bays and basement storage space, must be provided to each 100 sqm of site area.</li> </ul> |

|  |   |
|--|---|
| <b>Education centre (other than Child care centre)</b>   | <p>Must be located in Precinct 1 or 2.</p> <p>Must not be on land that is contaminated or potentially contaminated.</p> <p>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from an Adult sex product shop or Brothel.</p>  |
| <b>Food and drink premises (other than a Convenience restaurant or Takeaway food premises)</b> | <p>Must be located in Precinct 1 or 2.</p> <p>In Precinct 1, the leasable floor area must not exceed 150 square metres.</p>   |
| <b>Home based business</b>   |   |
| <b>Industry (other than Materials recycling and Transfer Station)</b>                          | <p>Must be located in Precinct 1 or 2.</p> <p>In Precinct 1:</p> <ul style="list-style-type: none"> <li>• Must not be for a purpose listed in the table to Clause 53.10 with no threshold distance specified.</li> <li>• The land must be at least the following distances from land (not a road) in Precinct 3, the Commercial 1 Zone, a residential zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution: <ul style="list-style-type: none"> <li>◦ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>◦ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> </li> <li>• Must not: <ul style="list-style-type: none"> <li>◦ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.</li> <li>◦ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>◦ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>◦ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul> </li> </ul> <p>In Precinct 2:</p> <ul style="list-style-type: none"> <li>• Must not be for a purpose listed in the table to Clause 53.10 except for boiler makers, bakery, smallgoods production and joinery.</li> <li>• The land must be at least the following distances from land (not a road) in Precinct 3, the Commercial 1 Zone, a residential zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution: <ul style="list-style-type: none"> <li>◦ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>◦ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> </li> </ul> |

|   |   |
|---|---|
| <b>Indoor recreation facility</b>                           | Must be located in Precinct 1.<br>The leasable floor area must not exceed 200 square metres.      |
| <b>Informal outdoor recreation</b>                          |   |
| <b>Landscape garden supplies (other than Plant nursery)</b> | Must be located in Precinct 1 or 2.<br>The leasable floor area must not exceed 150 square metres. |
| <b>Market</b>   | Must be located in Precinct 1 or 2.<br>The leasable floor area must not exceed 150 square metres. |
| <b>Medical centre</b>                                       | In Precinct 3, the gross floor area of all buildings must not exceed 250 square metres.           |
| <b>Office (other than a Medical centre)</b>                 | Must be located in Precinct 1 or 2  |

## Section 2 - Permit required

| Use   | Condition   |
|---|---|
| <b>Accommodation (other than Caretaker's house, Community care accommodation, Corrective institution and Rooming house)</b> | Must not be located in Precinct 1.<br>In Sub Precinct 2.2:<br><ul style="list-style-type: none"> <li>70sqm of leasable commercial floor area, exclusive of car parking, loading bays and basement storage space, must be provided to each 100 sqm of site area.</li> </ul>  |
| <b>Adult sex product shop</b>   | Must be located in Precinct 1 or 2.<br>Must be located at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 3, a residential zone, or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.   |
| <b>Amusement parlour</b>  | Must not be located in Precinct 3.  |
| <b>Animal production</b>  | Must not be located in Precinct 3.  |
| <b>Bottle shop</b>  | Must not be located in Precinct 3.  |
| <b>Brothel</b>  | Must be located in Precinct 1 or 2.<br>Must be located:<br><ul style="list-style-type: none"> <li>At least 100 metres (measured by the shortest route reasonably accessible on foot) from a dwelling (other than a Caretaker's residence).</li> <li>At least 200 metres (measured by the shortest route reasonably accessible on foot) from land used for a place of worship, hospital, education centre, children's services provider or of any other facility or place regularly frequented by children for recreational or cultural activities.</li> </ul> |
| <b>Car park</b>   | In Precinct 3, must be used in conjunction with another use in Section 1 or 2.  |
| <b>Car wash</b>   | In Precinct 3, the land must adjoin, or have access to, a road in a Transport Zone 2 or Transport Zone 3.   |
| <b>Cinema-based entertainment facility</b>  | Must not be located in Precinct 3.  |

| Use  | Condition  |
|--|--|
| <b>Convenience restaurant</b>  | In Precinct 3, the land must adjoin, or have access to, a road in a Transport Zone 2 or Transport Zone 3.  |
| <b>Domestic animal husbandry (other than Domestic animal boarding)</b>   | In Precinct 3, must be no more than 5 animals.   |
| <b>Domestic animal boarding</b>  | Must not be located in Precinct 3.   |
| <b>Horse husbandry</b>   | Must not be located in Precinct 3.   |
| <b>Gambling premises</b>   | Must not be located in Precinct 3.   |
| <b>Industry (other than Materials recycling, Service industry and Transfer station)</b>  | Must not be located in Precinct 3.   |
| <b>Landscape garden supplies (except Plant nursery)</b>  | Must not be located in Precinct 3.   |
| <b>Leisure and recreation (other than Indoor sports and recreation facility, Informal outdoor recreation, Major sports and recreation facility, Motor racing track and Restricted recreation facility)</b> |  |
| <b>Materials recycling</b>   | Must be located in Precinct 1.<br>The land must be at least 30 metres from land (not a road) which is in a Precinct 2, a Commercial 1 Zone, a residential zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.  |
| <b>Nightclub</b>   | Must not be located in Precinct 3.   |
| <b>Office (other than a Medical centre)</b>  | In Precinct 3:<br><ul style="list-style-type: none"> <li>The land must be located within 100 metres of Precinct 2.</li> <li>The land must have the same street frontage as land in Precinct 2.</li> <li>The leasable floor area must not exceed 250 square metres.</li> </ul>  |
| <b>Saleyard</b>  | Must not be located in Precinct 3.   |
| <b>Service industry (other than Car wash)</b>  | Must not be located in Precinct 3.   |
| <b>Service station</b>   | In Precinct 3, the site must either:<br><ul style="list-style-type: none"> <li>Adjoin land in Precinct 1 or 2, a commercial zone or industrial zone.</li> <li>Adjoin, or have access to, a road in a Transport Zone 2 or Transport Zone 3.</li> </ul> and must not exceed either:<br><ul style="list-style-type: none"> <li>3,000 square metres.</li> <li>3,600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or Transport Zone 3.</li> </ul> |
| <b>Shop (other than Adult sex product shop, Bottle shop, Convenience shop, Restricted retail premises and Supermarket)</b>   | In Precinct 1, the leasable floor area must not exceed 200 square metres.<br>In Precinct 3:<br><ul style="list-style-type: none"> <li>The land must be located within 100 metres of Precinct 2.</li> <li>The land must have the same street frontage as land in Precinct 2.</li> </ul>   |

| Use   | Condition  |
|---|--|
| <b>Store (except Shipping container storage)</b>  | In Precinct 2 and 3, must not be for a purpose listed in the table to Clause 53.10.<br>In Precinct 3, must be in a building not a dwelling and used to store equipment and vehicles in.  |
| <b>Supermarket</b>  | In Precinct 1, the leasable floor area must not exceed 1,800 square metres.  |
| Takeaway food premises  | In Precinct 3, the land must adjoin, or have access to, a road in a Transport Zone 2 or Transport Zone 3.  |
| Trade supplies  | Must not be located in Precinct 3.   |
| Transfer station  | Must be located in Precinct 1 or 2.<br>The land must be at least 30 metres from land (not a road) which is in a Commercial 1 Zone, a residential zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. |
| Transport terminal  | Must not be located in Precinct 3.   |
| <b>Warehouse (other than Fuel depot or Store)</b>   | Must not be located in Precinct 3.<br>In Precinct 2, must not be for a purpose listed in the table to Clause 53.10.  |
| <b>Utility installation (other than Minor utility installation and Telecommunications facility)</b> |  |

### Section 3 – Prohibited

| Use                                  |
|--------------------------------------|
| Extractive industry                  |
| Major sports and recreation facility |
| Motor racing track                   |

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### Centre-wide provisions

#### 4.1

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### Use of land

#### Land use term:

As defined in *Creative State 2025*, creative industries are an evolving mix of sectors spanning arts, culture, screen, design, publishing and advertising. They cover disciplines as diverse as game development and graphic design, fashion and filmmaking, performing arts and publishing, architecture and advertising, media and music, comedy and craft. They include activities that are commercially driven and community based, experimental and export intense.

#### 4.2

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### Subdivision

None specified.

#### 4.3

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### Buildings and works

No permit is required to:

- Install an automatic teller machine.

- Alter to an existing building façade provided that:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of any building façade at ground floor level which fronts a street is maintained as an entry or window with clear glazing.
- Construct a building or carry out works by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Act*, the *Port of Melbourne Authority Act 1958*, the *Parks Victoria Act 1998* or the *Crown Land (Reserves) Act 1978*.
- Alter a building authorised under the *Heritage Act 2017*, provided the works do not alter the existing building envelope or floor area.
- Modify a shop front window or entranceway of a building.
- Add or modify a verandah, awning, sunblind or canopy of a building to the satisfaction of the public land manager.
- Change glazing of existing windows to not more than 15% reflectivity or opacity.

In Precinct 3

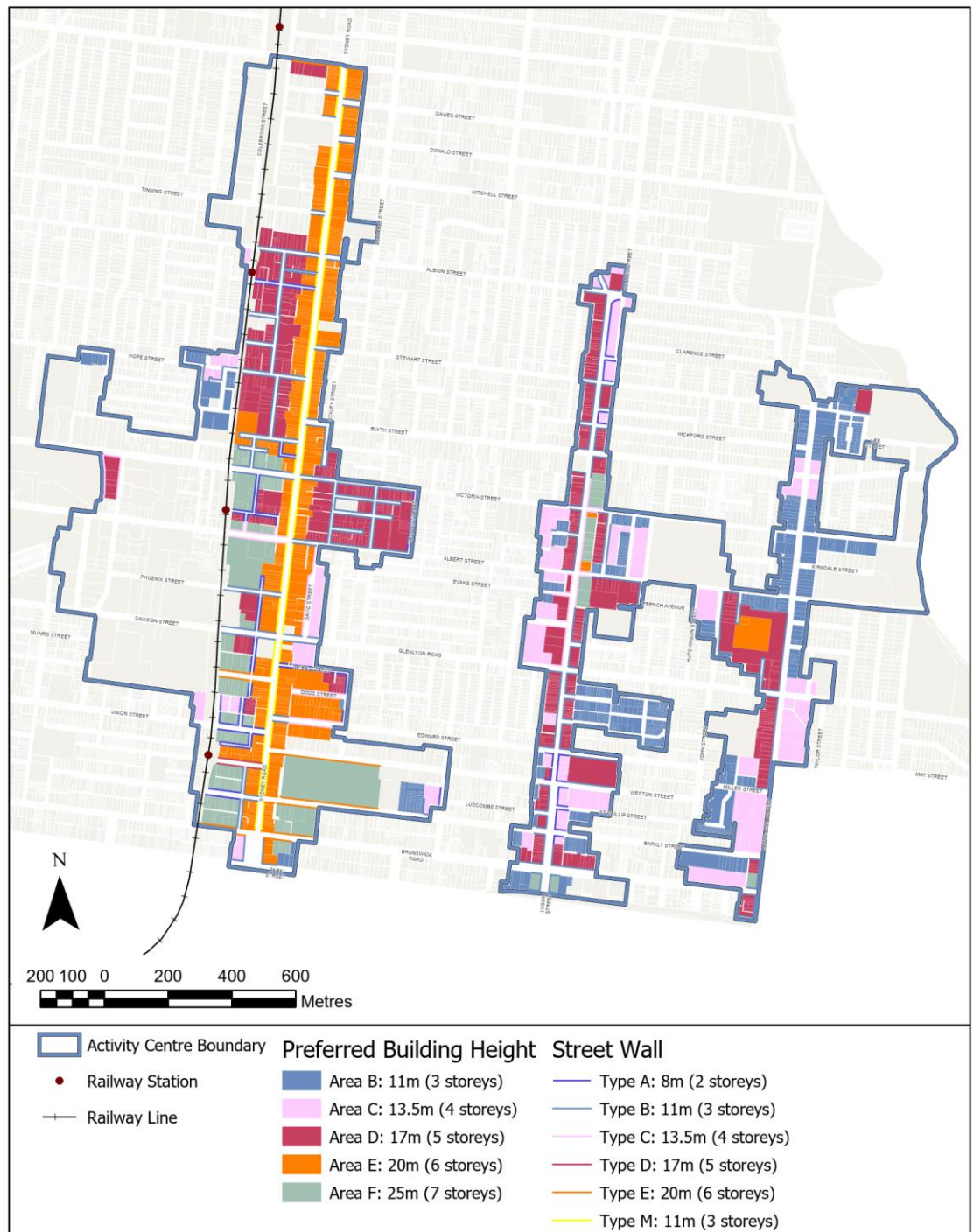
- Construct or extend one dwelling on a lot of more than 300 square metres. This exemption does not apply to the:
  - Construction of a dwelling if there is at least one dwelling existing on the lot;
  - Construction or extension of a dwelling if there are two or more dwellings on the lot;
  - Construction or extension of a dwelling if it is on common property;
  - Construction or extension a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building and the fence exceeds the maximum height specified in Clause 55.06-2.
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the outbuilding does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

#### 4.4 Design and development

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The following design and development requirements apply to an application to construct a building or construct or carry out works:

##### Map 2 Brunswick Activity Centre Building height and Street wall



##### Building height requirements

- Building heights should not exceed the preferred building height in the Building height requirements table. Building heights are determined based on the Areas identified on the Building height and Street wall map.



**Table 1 Building height requirements**

| Area   | Preferred building height  |
|--------|----------------------------|
| Area B | 11 metres<br>(3 storeys)   |
| Area C | 13.5 metres<br>(4 storeys) |
| Area D | 17 metres<br>(5 storeys)   |
| Area E | 20 metres<br>(6 storeys)   |
| Area F | 25 metres<br>(7 storeys)   |

**Street wall height and upper level setback requirements**

- Building height at the street wall should not exceed the maximum building height or reduce the minimum upper level setback in the Building height at the street wall and upper level setback requirements table. Building height at street wall and upper level setback are determined based on the Types identified on the Building height and Street wall map.
- For Street wall Type M, a permit cannot be granted to construct a building or carry out works which are not in accordance with the building height at the street wall and upper level setback above the street wall requirements, including balconies and architectural features. This does not include alterations to an existing facade, provided the existing street wall height does not increase.

**Table 2 Building height at the street wall and upper level setback requirements**

| Street wall type | Maximum building height at the street wall | Minimum upper level setback above the street wall  |
|------------------|--|--|
| Type A           | 8 metres (2 storeys)                       | On streets less than 12 metres in width, any part of a building above the street wall should be setback at least the equivalent to the horizontal distance from the opposite side of the street.<br>5 metres elsewhere |
| Type B           | 11 metres (3 storeys)                      | On streets less than 12 metres in width, any part of a building above the street wall should be setback at least the equivalent to the horizontal distance from the opposite side of the street.<br>5 metres elsewhere |
| Type C           | 13.5 metres (4 storeys)                    | 5 metres   |
| Type D           | 17 metres (5 storeys)                      | 5 metres   |
| Type E           | 20 metres (6 storeys)                      | 5 metres   |
| Type M           | 11 metres (3 storeys)                      | 5 metres   |

## Building design requirements

- Building facades should have ground level interest to engage with the street through direct relationship of ground floor entries, front doors and windows facing streets.
- Building facades should incorporate vertical articulation to reflect a fine-grain pattern of subdivision and surrounding buildings.
- Materials at the upper levels of the building should be distinct from but complementary to materials of the lower levels of the building.
- Ground level and roof top services should be architecturally integrated with the building and be located to minimise the visibility from public spaces and neighbouring properties.
- Building facades should be designed to avoid large expanses of blank wall, services areas, bin storage areas, car parking, roller shutters or continuous garage doors along ground level street frontages.
- Development should minimise the impact of vehicle access and car parking on the public realm by locating vehicle access to a laneway or secondary street where possible.
- On the Principal Pedestrian Network provide active frontages, sunlight to footpaths and street trees, weather protection.
- On the Principal Pedestrian Network locate car parking access and waste collection away from the Principal Pedestrian Network where alternative access is available.
- Waste collection should be from a secondary frontage, laneway or within the building where possible, with preference for a smaller number of larger bins to reduce the proliferation of bins on the street on collection days.
- Services including plant rooms, lift overruns, structures associated with green roof areas and other such equipment, including screening, should meet the following design requirements:
  - Integrated into the design of the building
  - Not extend higher than 3.6 metres above the height of the building
  - No more than 50% of the roof area should be occupied (excluding solar panels)
  - Located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces.
- Upgrading of the public realm should follow construction, commensurate to the size of the development.
- Development should be designed to minimise noise emissions and provide acoustic attenuation measures that would protect a residential use within the site and within 50 metres of the site.
- A residential use should be designed to include acoustic attenuation measures that will reduce noise levels from any noise source, within or external to the development, to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017, the incorporated Noise Protocol (Publication 1826.2, Environment Protection Authority, November 2020) and Clause 58.04-3, Standard D16.

For the purpose of assessing whether the above noise requirements are met, the noise measurement point may be located inside a habitable room of a residential use with windows and doors closed (consistent with EPA Publication 1826.2).

## Overshadowing requirements

- Buildings and works should not cast shadows over footpaths or street trees on the opposite side of the road on the Principal Pedestrian Network between 10am and 3pm on 22 September.

- Buildings and works should not cast shadows on parks between 10am and 3pm on 21 June, beyond that allowed by the building height requirements at Table 1 and building height at the street wall and upper level setback requirements at Table 2.

### **Pedestrian permeability and connectivity requirements**

- Where a development is setback from the street, canopy trees and landscaping should be planted in the front setback and be sited to provide footpath shade, having regard to the suitability of the proposed location and soil volume for canopy tree health.
- Ground level buildings and works should be utilise colours and materials that minimise radiated heat and graffiti-proof surfaces for ease of maintenance.
- Where a development abuts the Upfield Shared Path, it should be designed to:
  - Avoid large areas of blank walls or be treated with materials, artwork, or attractive and visually interesting finishes.
  - Incorporate windows in upper level facades to provide passive surveillance or improve perception of safety of the shared path.
  - Be setback from the path by a minimum of 1 metre to improve the sense of space for cyclists and pedestrians.

### **Amenity to lower scale residential areas requirements**

- Any part of a building adjacent to residentially zoned land outside the Activity Centre Zone, including across a lane, should be setback from the residential boundary at that interface in accordance with Clause 55.04-1 Standard B17 up to a height of 17 metres. Setbacks should adopt the same setback for at least 75% of the height to avoid stepped setbacks.
- Any part of a building adjacent to residentially zoned land outside the Activity Centre Zone should not unreasonably overshadow secluded private open space and limit views into existing secluded private open space and habitable room windows, having regard to Clause 55.04-5 Standards B21 and B22, tempered by consideration of the future development potential of these properties.

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5.1-1

### **Precinct provisions**

#### **Precinct 1 – Core Employment**

#### **Precinct objectives**

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- To provide for industrial, commercial, office, creative industries and other employment generating uses.
- To promote high quality working environments.
- To provide opportunities for retail uses that complement the role of the precinct.

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#### **Precinct requirements**

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- Encourage restricted retailing and wholesaling activities to locate on main roads, including Victoria, Albert and Dawson streets.

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#### **Precinct guidelines**

None specified.

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#### **Any other requirements**

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None specified.

## 5.2 Precinct 2 – Multi-Use

### 5.2-1 Precinct objectives

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- To enhance the vibrant multi-use precinct for retail, office, business, creative industries, entertainment and community uses.
- To ensure there is sufficient, well designed commercial floor space to meet future demand.
- To provide for residential uses at densities complementary to the role and scale of the Activity Centre.
- To ensure the street wall remains the visually dominant element of all development and that any height above the street wall is visually recessive.

### 5.2-2 Precinct requirements

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- Commercial floor area is to be provided within all development.  
Commercial floor area is space within a building used as an Education Centre, Industry, Leisure and Recreation, Office, Place of Assembly, Retail Premises or Warehouse.
- The design of commercial tenancies should have regard to lettability for a diversity of uses in terms of size, shape, floor to ceiling height, window sill height, transparency of glazing, individual identity, column position and accessibility.
- Commercial tenancies should include ceilings, lighting, running water, toilets and showers suitable for use by people with a disability, kitchenette and mechanical, electrical and hydraulic services, at the time of construction of the building. Provision should be made in the design and construction for later ease of installation of flues and grease traps if required.
- Buildings should be constructed to the street frontage.
- Development should provide a display window and/or entrance at ground floor level, measuring at least 80% of the width of the street frontage.
- Development abutting the Principal Pedestrian Network should provide continuous weather protection for pedestrians and consider kerbside dining or trading on the street where possible.
- Upper level setbacks above the street wall should adopt the same street setback for at least 75% of the height of the upper levels to avoid stepped setbacks.

### 5.2-3 Precinct guidelines

None specified

### 5.2-4 Any other requirements

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None specified.

## 5.3 Precinct 3 – Housing

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### 5.3-1 Precinct objectives

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- To provide for housing at increased densities.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.
- To ensure the design and siting of new buildings maximises landscaping throughout the site, including the retention of existing canopy trees (where practicable) and the planting of new canopy trees and vegetation.

- To minimise unreasonable impacts of new development on existing residential rooftop solar energy facilities.

### 5.3-2 Precinct requirements

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- A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

The development should provide:

- Individual entry doors to ground floor dwellings.
- Privacy by elevating the ground floor of dwellings 0.5 to 1 metre above the street level and/or provide a landscaped front setback.

The development should provide:

- At least one canopy tree located within the front setback that meets the following requirements:
  - Located in a permeable area within the site of at least 10 square metres and 4.5 metres wide.
  - Reach a height of 6-8 metres at maturity.
  - Achieve a canopy width of at least 5 metres at maturity.
- At least one canopy tree located elsewhere on the site that meets the following requirements:
  - Located in a permeable area within the site of at least 4.5 metres x 4.5 metres.
  - Reach a height of 6-8 metres at maturity.
  - Achieve a canopy width of at least 5 metres at maturity.
  - Where a vehicle accessway is provided, canopy trees should be located to provide shading to the vehicle accessway, if practicable.
- Additional planting along any vehicle accessway.

The landscaping requirements do not apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.

### 5.3-3 Precinct guidelines

None specified.

### 5.3-4 Any other requirements

None specified.

## 6.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08-7 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

Buildings and works

- An urban context report and design response which demonstrates how the proposal responds to the centre-wide and precinct objectives, requirements and guidelines and supports the vision for the Activity Centre.
- For a development of four or more storeys:
  - A computer model of the proposal which meets the *Virtual Moreland Guidelines for 3D Digital Model*

- A three-dimensional perspective which shows the proposed development within the streetscape in the context of adjacent development
- Streetscape elevations showing the existing streetscape, and how the proposed development sits within the streetscape elevation
- Three-dimensional perspective diagrams which show the form of the proposal at oblique views from neighbouring streets where any part of the proposal will be visible.
- Where relevant, a Traffic Impact Assessment Report which includes analysis of the provision of car parking, likely traffic generation resulting from the development and its impact on the operation of the surrounding road network.
- Where relevant, an Acoustic Report which must show how the proposal meets the noise standards.
- Where relevant, a Tree Management Report for existing trees on the subject site or adjoining land.

## 7.0

### Notice and review

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In Precinct 1 Clause 37.08-8 does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

In Precinct 2 Clause 37.08-8 does not apply if the proposal seeks to do any of the following:

- Exceed the preferred preferred building height specified in Clause 4.4 of this schedule
- Exceed the preferred maximum street wall height specified in Clause 4.4 of this schedule
- Reduce the setbacks above the street wall specified in Clause 4.4 of this schedule
- Reduce the setback to residentially zoned land specified in Clause 4.4 of this schedule.

In Precinct 3 Clause 37.08-8 does not apply except in relation to subdivision.

## 8.0

### Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08-9 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

#### Land Use

- In Precinct 1, the likely effects, if any, on the neighbourhood, including:
  - Noise levels
  - Air-borne emissions
  - Emissions to land or water
  - Traffic, including the hours of delivery and despatch
  - Light spill or glare.
- In Precinct 2, the extent to which the proposed use contributes to the provision of commercial floorspace.
- In Precinct 2, whether the use is complementary and appropriate to the area and does not undermine the employment and economic focus of the precinct.
- In Precinct 2, whether the proposal provides for a mix of land uses in accordance with the vision for the activity centre.
- In Precincts 2 and 3, the extent to which habitable rooms of new dwellings in proximity to high levels of external noise, including noise sources within the proposed development, have been designed to limit internal noise levels.

- In all Precincts, for Section 2 uses, whether the use will unreasonably impact residential amenity.

### **Building height**

Where an application proposes a building that exceeds the preferred building height or does not meet the street wall height or minimum upper level setback above the street wall, the urban context report must demonstrate how the proposed development achieves the relevant standard, objectives and guidelines at Clauses 2.0 and 5.0 in this schedule. The applicant should demonstrate, to the satisfaction of the responsible authority, that the following will be achieved:

- The proposed development supports the vision for the Activity Centre and achieves objectives of Clause 37.08 and this schedule.
- Whether the design response is acceptable, having regard to the site's strategic and physical context.
- The development has exemplary quality design with well-composed proportions, makes positive contributions to the public realm and will be constructed from durable and attractive materials.
- The additional height or reduced setback:
  - maintains the dominance of the street wall
  - results in specific design benefits
  - does not have an adverse impact on the streetscape, the public realm or the amenity of adjoining properties
  - does not increase overshadowing over footpaths or street trees on the opposite side of the road on the Principal Pedestrian Network between 10am and 3pm on 22 September or parks between 10am and 3pm on 21 June
  - does not have an unreasonable overshadowing impact on a park, having regard to the proportion of the park that is shadow affected and the impact on the useability and amenity of the park over the whole year
  - does not cause an unacceptable visual impact from surrounding streets, public spaces or private open space.
  - facilitates benefits to the community, such as:
    - excellent ESD performance
    - a positive contribution or upgrading of public open space or the public realm
    - the provision of affordable housing
    - the provision of affordable creative workspace
    - the provision of affordable space for social enterprises.

### **Upper level street setbacks**

- On Sydney Road, upper levels above the street wall should be designed to ensure that it occupies no more than one quarter of the vertical angle defined by the whole building in the view from an eye-level of 1.7 metres on the opposite side of the street.
- Except on Sydney Road, balconies, architectural features, sunshades, screens and artworks may intrude into the upper level street setback by no more than 2 metres if the building still reads as being setback in accordance with the minimum upper level setback above the street wall requirement and they make a substantive improvement to the strength of the architectural composition of the facade.
- On small, narrow corner lots, the upper level setback to the secondary street frontage may be varied. Narrow lots are generally those lots where the depth is greater than five times the width and where the lot size is smaller than 750sqm.

### **Vibrant streets and a high quality public realm**

- The extent to which footpaths, public spaces and the most intensively used parts of parks remain free from overshadowing.
- Whether the proposal compliments the fine grain nature of the streetscape.
- The extent of activation and surveillance of the public realm and visual impacts of car parking, access and loading.
- On streets less than 12 metres wide, whether upper level setbacks achieve a balance between a sense of enclosure and openness and reinforce the existing character of street walls.

#### **Amenity**

- Whether the amenity impacts on adjoining residential uses are reasonable in the context of the substantial built form intensification and level of change anticipated within the Activity Centre.
- The potential for an adjoining residential property outside the Activity Centre to be redeveloped to achieve a more intense development outcome, commensurate with the level of change anticipated for the land.

#### **Landscaping**

- On the Principal Pedestrian Network, the impact of overshadowing on the health of street trees.
- Whether there is opportunity to retain existing vegetation.
- Whether the landscaping will provide suitable shading and cooling of the urban environment to reduce heat absorption and re-radiation of hard surfaces.
- The suitability of the proposed location and soil volume for canopy tree health.
- Whether a green wall, vegetated pergola or green roof achieves equivalent canopy cover to the requirements listed in Clause 5.3-3.
- Whether the development is consistent with the *Moreland Tree Planting Manual for Residential Zones, 2019*.

#### **General**

- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in Precinct 3, a General Residential Zone or Neighbourhood Residential Zone.

### **9.0**

#### **Signs**

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Sign requirements are at Clause 52.05. The category of sign controls applies to the Precincts as follows:

Precinct 1 = Category 1

Precinct 2 = Category 1

Precinct 3 = Category 3.

### **10.0**

#### **Other provisions of the scheme**

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None specified.

### **11.0**

#### **Reference documents**

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*Virtual Moreland Guidelines for 3D Digital Model.*