

12. Officers' reports

**CM.160/21      Proposed Amendments C143 and C144 to the Nillumbik Planning Scheme - Implementation of the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020)**

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**Distribution:**    Public

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**Summary**

This report proposes that Council take the formal steps to commence and exhibit Amendments C143 and C144 to the Nillumbik Planning Scheme, which will implement and give statutory weight to the Eltham and Diamond Creek Major Activity Centre Structure Plans (2020).

The Amendment supports a priority action of the 2021-2025 Council Plan, which is to implement the adopted structure plans for the Eltham and Diamond Creek Major Activity Centres into the Scheme. The Amendments propose planning scheme changes which will particularly:

- Cite the 2020 Structure Plans as the relevant reference document.
- Improve particular urban design and land use restrictions.
- Make some minor, site specific changes to existing building height limits, whilst retaining extensive use of tight mandatory height controls and modest height limits.
- Further support the role of vegetation in cooling the urban environment.
- Make a series of administrative updates.
- For Eltham, extend application of Schedule 1 to the Activity Centre Zone (ACZ1) to the Bridge Street Business Area.

The proposed changes will retain and improve the key settings of the current suite of planning provisions in the Planning Scheme.

Pursuant with the *Planning & Environment Act 1987*, Council must request and receive authorisation from the Minister for Planning to “prepare” (i.e. commence) and exhibit the Amendments.

Subject to authorisation from the Minister Council may prepare and exhibit the Amendments which would include formal notification and (potentially) a Planning Panel to hear any objections and make recommendations on the amendment.

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| <b>Recommendation</b> |
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**That Council:**

1. Requests the Minister for Planning, under Section 8A of the *Planning and Environment Act 1987*, to authorise the preparation and exhibition of Amendments C143 and C144 to the Nillumbik Shire Planning Scheme; and
2. On receipt of that authorisation, places Amendments C143 and C144 to the Nillumbik Planning Scheme on exhibition.

**Attachments**

1. Time line of key steps in planning for the Eltham and Diamond Creek Major Activity Centres
2. Extent and precincts of the Eltham MAC
3. Extent and precincts of the Diamond Creek MAC
4. Current mandatory and discretionary height limits in the Eltham and Diamond Creek MAC's
5. Proposed height changes in the Eltham MAC
6. Proposed height changes in the Diamond Creek MAC
7. Amendments C143 and C144 - Table of key proposed planning scheme changes
8. Explanatory report for Amendment C143 (Eltham MAC)
9. Explanatory report for Amendment C144 (Diamond Creek MAC)
10. Proposed ACZ1 Schedule (Eltham MAC) with some explanatory comments
11. Proposed ACZ2 Schedule (Diamond Creek MAC) with some explanatory comments
12. Proposed SLO1 (Eltham Town Centre) with points of change highlighted
13. Proposed SLO6 (Diamond Creek MAC) with points of change highlighted
14. Proposed Clause 11.03-1L (Activity Centres in Nillumbik) with additions highlighted.

**Discussion**

Major Activity Centres and Structure Plans

1. State Government Planning Policy stipulates that there are over 100 Major Activity Centres (MAC) in metropolitan Melbourne, as part of a hierarchy of activity centres, Metropolitan, major, neighbourhood and convenience.
2. A MAC is intended to be a centre, well-connected to public transport, where housing, commercial and social activity should be consolidated to provide a highly accessible and attractive hub for the local community to work, shop, live etc.

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3. State Government Policy first created MAC's in 2002, including to designate that there will be two in the Shire, which are one at Eltham and one at Diamond Creek.
  4. Important sustainability gains are sought by activity centre planning, such as reducing car dependency. A short summary is provided towards the end of this report under "Sustainability Implications" regarding these intended gains.
  5. In addition to stipulating the number and location of MAC's, State Government Policy requires the local government area for each MAC to:
    - Develop and adopt a structure plan to guide development of the MAC; and
    - To import provisions into the planning scheme which will implement the plan.

The Activity Centre Zone

6. The State Government's preferred planning provision to implement a structure plan is the Activity Centre Zone (ACZ).
7. The ACZ has significant benefits. For example:
  - It contains land use and development requirements in the zone, which simplifies the number of planning provisions required to implement a structure plan.
  - Unlike most other zones, and importantly, it gives Council capacity to set the urban design requirements (e.g. maximum building heights, building articulation and setbacks) and restrictions on land use.
8. However:
  - The content of an ACZ, as with any planning provision, has to be approved by the Minister for Planning through the planning scheme amendment process.
  - The State Government will endeavour to advance State policy in regard to activity centre planning and will oppose proposed planning provisions which it deems will prevent sufficient growth in an activity centre.
  - The ACZ does not provide any permit triggers to protect vegetation. A separate provision, such as a Significant Landscape Overlay, must be used.

A Summary of Planning for the Eltham and Diamond Creek MAC's

9. A timeline of planning for the Shire's two MAC's is provided as **Attachment 1**. As detailed in the timeline, the two MACs have been planned concurrently, including:
  - Adoption of a first structure plan, which was in 2004 for Eltham and 2006 for Diamond Creek
  - First application of substantive activity centre provisions to each centre in 2014, which was by gazettal of Amendments C51 (Eltham) and C53 (Diamond Creek).  
(These amendments introduced many of the existing urban design and land use settings, including extensive use of mandatory height limits and modest height limits ranging from 3 to 5 storeys in both centres.)

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- Translation of the activity centre provisions in 2016 to Schedule 1 to the Activity Centre Zone (ACZ1) for Eltham and the ACZ2 for Diamond Creek
  - Adoption by Council of a new structure plan in 2020 for each MAC. A map of the extent and precincts of each MAC, as defined by the current 2020 plans, is provided as **Attachment 2 (Eltham)** and **Attachment 3 (Diamond Creek)**.
10. It is brought to Council's attention that:
- Development of the 2020 structure plan for each centre was informed by extensive rounds of public engagement.
  - The direction and recommendations of each 2020 structure plan were significantly informed by an urban design report compiled for each centre.
11. The urban design reports just referred to were produced in close consultation with a Council advisory group, which was specifically convened for that purpose and which comprised community members. The group was led by two appointed Councillors and was assisted by officers and an urban design consultant.
12. The previous and existing (2020) structure plans provide very similar objectives and settings. For example, subject to the plans, each centre will:
- Primarily comprise the main commercial precinct(s), an adjacent industrial precinct and public open space within the Diamond Creek corridor.  
(NB: The 2020 Eltham Structure Plan brings the St Vincent's Aged Care Facility in Diamond Street and Andrew Park into the activity centre, but plans for their existing uses to continue).
  - Have its development concentrated in existing developed areas, whilst parkland is to be protected for its environmental, landscape and recreational uses.
  - Achieve a preferred character that exemplifies the local heritage and the centre's location on the rural fringe. To this end, development is to be modest in scale, respect the local topography, be well-landscaped and use muted tones and materials.
  - Protect and enhance the contribution of vegetation, particularly indigenous vegetation, to the existing character and amenity.
  - Be safe, inclusive and easily accessible, particularly for pedestrians and cyclists.
13. Currently, only the previous structure plans for each MAC are implemented by the Nillumbik Planning Scheme, which is done by the following provisions:
- The ACZ1 for Eltham and the ACZ2 for Diamond Creek.
  - Schedules to the Significant Landscape Overlay (SLO), which are the SLO1 for the Eltham Town Centre and the SLO6 for the Diamond Creek MAC.
  - The application of the Public Park and Recreation Zone (PPRZ) to parkland, which is a zone used to protect and manage public open space.
  - Some policy within the planning policy framework.



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14. In addition, in the Eltham MAC, the Industrial 3 Zone (IN3Z), not the ACZ1, is applied to the MAC's industrial precinct. This precinct, which is located in Bridge Street and surrounds, is referred to as the Bridge Street Business Area (BSBA).
15. The settings of the ACZ schedules, SLO schedules and Planning Policy Framework are very similar for each MAC, noting:
- A maximum building height limit, which ranges from 3 storeys (10.5m) to 5 storeys (17.5m), is applied by the ACZ schedules.
  - The 3 storey height limit is a mandatory (non-negotiable) height limit and is applied to a significant area of the Eltham Town Centre and the Diamond Creek MAC. The existing application of mandatory and discretionary height limits in both MAC's is shown in **Attachment 4**.
  - A minimum front setback from the kerb of 5.5 metres is applied and upper levels of higher buildings are required to be further setback (ACZ schedules).
  - In many locations a top storey is to be in the roof and roofs are generally required to be pitched (ACZ schedules).
  - Design techniques and materials typical for the Shire and each locality are promoted, such as use of natural and muted exterior materials, minimising earthworks and making generous use of landscaping, particularly using indigenous vegetation (ACZ schedules).
  - The loss of significant vegetation is minimised by a requirement in a sizeable area of each MAC that requires a permit to remove a substantial tree (SLO schedules) where objectives of the SLO are to retain substantial trees.
  - Community and commercial activity is to be consolidated into each activity centre (Planning Policy Framework).
  - Different roles and land uses are assigned to each part of an activity centre (ACZ schedules and the Planning Policy Framework).
16. These settings have existed in the Nillumbik Planning Scheme since 2014 and have significant benefits, including:
- Each activity centre is compact and development is significantly restricted to existing traditional areas of development and within modest building heights.
  - Where applied, mandatory controls have removed any possibility of higher development and have probably had a flow on effect in supporting non-mandatory height limits where these are applied.
  - The SLO's offer legally enforceable protection for substantial trees.
  - Different parts of each centre are allocated roles which are tailored to protecting any important existing values, whilst supporting the overall vitality and viability of the centre.

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17. The modest height limits, use of mandatory controls, application of the SLO schedules and application of compact activity centres were all hard fought gains in deliberations with the State Government between 2008 and 2014, noting the State government wanted more relaxed controls for each centre. In the context of the wider metropolitan area, the Shire's MAC's are considered significantly restrictive in terms of the development and impacts allowed.

18. However, there is a need to make changes to the relevant sections of the planning scheme for the following reasons:

- The scheme does not refer to Council's current 2020 structure plans and a continuation of this situation will eventually undermine Council's planning decisions in relation to each centre, including at VCAT.
- The current requirements in the ACZ schedules regarding roof shape and form have been problematic by way of being too prescriptive and complicated. Applicants have struggled to understand the requirement for a top storey to be in the roof and the quality of the design response has not been beneficial. The 2020 structure plans recommend that this top storey requirement be removed.
- Setting a minimum 5 m front setback from the kerb is creating undue pressure for insufficient setbacks in certain areas, such as in residential areas where a larger setback should occur to protect and enhance vegetation. There have been community requests for this issue to be addressed and the structure plans recommend this occur by determining the front setback from the property boundary, rather than the kerb.
- There are opportunities to vary height restrictions, whilst still retaining the 3-5 storey height limits. For example, the structure plans recommend:
  - Some minor increases in height limits in parts of the Eltham station precinct from 3 to 4 storeys and from 4 to 5 storeys. This includes a minor reduction in the application of the mandatory (3 storey) height control at the station.
  - Two very minor areas of reduction in height limit from 4 to 3 storeys and from 5 to 4 storeys in Diamond Creek.

These proposed changes in height limit are shown in **Attachment 5** (Eltham) and **Attachment 6** (Diamond Creek).

- As the effects of climate change escalate, the need to recognise the increasingly important role of vegetation in providing urban cooling, such as by providing shade, needs to be recognised and supported. This is not currently sufficiently recognised as vegetation is principally regarded for its role in providing amenity.
- The existing land use settings applied by the ACZ (i.e. the settings that determine which uses are promoted and discouraged in particular areas) need some improvements. These are not only improvements to better reflect the existing structure plan, but also to address inconsistencies when the current settings in the ACZ schedules were translated from the previous state-wide generic zones (see **Attachment 1** for background to this issue).

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- In Eltham, there is a continued lack of guidance currently in the Nillumbik Planning Scheme for the Bridge Street Business Area (BSBA), largely because:
    - The IN3Z applies land use settings which are not sufficiently tailored to the mix of uses intended by the successive structure plans. This currently makes it possible for certain inappropriate uses, such as a supermarket, to easily establish in the BSBA.
    - No urban design provisions (e.g. building height limits, setbacks, use of particular materials, or measures to protect pedestrian safety) are applied.

The Eltham MAC Structure Plan recommends the ACZ be applied to the BSBA.

Recommended Changes to the Planning Scheme Provisions

19. Considering these matters, it is recommended that the planning scheme be modified to reflect and implement the current 2020 structure plans. These modifications primarily include:

- To cite the new structure plans as the reference documents for the relevant planning provisions.
- Modify the ACZ schedules to:
  - Update the precinct mapping and numbering and also the stated objectives and requirements.
  - Simplify the requirements regarding roof shape and form, including to remove any requirement for a top storey to be in the roof.
  - Measure front setbacks from the property boundary.
  - Provide more urban design guidance, including by visuals.
  - Articulate and support the role of vegetation in provide urban cooling, including to provide scope for non-indigenous trees where required to provide good shade (e.g. in key public areas), whilst still setting an overall preference and theme for indigenous vegetation in the centre.
  - Update and modify restrictions on land use to address some issues and inconsistencies. For example, to better regulate certain uses which could have an adverse impact on each centre.
  - Apply slightly different height limits in a small part of each centre, as shown in **Attachments 5 and 6**, whilst still retaining both a height range of 3-5 storeys and significant use of mandatory height limits.

20. In addition, in Eltham, to:

- Remove Schedule 7 to the Significant Landscape Overlay (SLO7) from 1-13 Henry Street, Eltham. Both the SLO1 (Eltham Town Centre) and the SLO7 (Eltham Gateway) are applied to the site. This is an error, as only the SLO1 should be applied.

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- Apply the ACZ to the BSBA for the purpose of:
    - Setting land use restrictions which are tailored to promote the preferred mix and location of uses and better maintain and protect the different and intended roles of the BSBA and Eltham Town Centre.
    - Applying urban design provisions and requirements, including to:
      - Apply setback requirements which are designed to minimise the impact of buildings on the streetscape and/or provide for landscaping. A significant setback of 22 metres is proposed for development along Bridge Street.
      - Provide objectives and requirements which promote good quality design.
      - Apply height limits for the first time, which will be discretionary height limits which range from 3 storeys (set as 12m) to 4 storeys (16m).
21. The proposed height limits for the BSBA will not alter the existing range of maximum height limits within the MAC, which range from a low of 10.5m to a modest 17.5m.
22. These changes, as listed above, principally require changes to the ACZ schedules and a much lesser scope of changes to the SLO schedules and Planning Policy Framework.
23. Importantly, all the proposed changes outlined above retain:
- Low to modest height limits (3-5 storeys), with extensive application of mandatory height limits to sensitive areas.
  - Compact activity centres.
  - Protection of each MAC's green corridor for environmental, aesthetic and recreational values.
  - Tree protection controls (through the SLOs).

**Proposed Planning Scheme Amendments C143 and C144**

24. The proposed planning scheme changes (outlined above) to implement each structure plan require a planning scheme amendment. It is preferable to conduct separate planning scheme amendments for each of Eltham and Diamond Creek, as this will be far easier for the community to respond to. Consequently, the following amendments have been drafted:
- Amendment C143 to implement and give statutory weight to the Eltham MAC Structure Plan (July 2020)
  - Amendment C144 to implement and give statutory weight to the Diamond Creek MAC Structure Plan (September 2020).
25. A table of the key changes proposed by the Amendments is provided as **Attachment 7** and the following key documents for the proposed Amendments are provided:

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- The explanatory report for the Amendments are provided as **Attachments 8 (C143 – Eltham) and Attachment 9 (C144 – Diamond Creek)**.  
(Each explanatory report explains the Amendment and demonstrates how it responds to planning policy, Ministerial Directions and State Planning Practice Notes.)
- The proposed ACZ schedules are provided as **Attachment 10 (ACZ1 for Eltham) and Attachment 11 (ACZ2 for Diamond Creek)**. Each schedule is provided with officer comments that explain certain key changes.
- The proposed SLO Schedules are provided as **Attachment 12 (SLO1 – Eltham) and Attachment 13 (SLO6 – Diamond Creek)**. The points of proposed change in each schedule are highlighted.
- The proposed revised section of the Planning Policy Framework, namely, LPP 11.03-1L-01 (Activity Centres in Nillumbik) is provided as **Attachment 14**. Proposed additions are highlighted.

26. For the Amendments to be successful, the following steps will need to occur:

- a) The Minister of Planning authorises Council to commence and exhibit the Amendments;
- b) The Amendments are fully exhibited;
- c) A Planning Panel considers any submissions which Council cannot address; and
- d) Council adopts the Amendments (potentially with changes) and the Minister approves the adopted Amendments (potentially with changes).

27. Amendments such as these are expected to take 12-18 months to complete.

28. The exhibition process for the Amendments will provide an opportunity for the community to provide any feedback it wishes on the Amendments, broad or specific. It will also provide an opportunity for Council to explain that:

- The requirement that the MAC's provide substantial growth (e.g. in retail and medium density housing) is set by State Government planning policy.
- Much of the current content of the provisions has been in place since 2014, such as the mandatory height controls and the 3-5 storey height limits
- That existing restrictions (e.g. height and tree restrictions) were the tightest that the State Government would allow in 2014.
- The changes proposed by the Amendments retain and improve key settings applied by the current provisions.

29. It is recommended that Council requests the Minister to authorise the commencement and exhibition of the Amendments. If the authority is promptly granted, exhibition of each Amendment is expected to occur, concurrently, in early to mid-2022.

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30. A report on submissions to the exhibition of the Amendments would be presented to Council's Planning and Consultation Committee at the earliest opportunity and within statutory timelines set by the State Government's amendment process.

**Related Council decisions**

31. The Council Meeting of July 2020 adopted the existing Eltham Major Activity Centre Structure Plan and the meeting of September 2020 adopted the existing structure plan for the Diamond Creek Major Activity Centre.
32. Further, the Council Meeting of October 2021 adopted the Council Plan 2021-2025, which includes as a priority action to:

*Implement the Major Activity Centre Structure Plans for Diamond Creek and Eltham into the Planning Scheme.*

**Options**

33. The option recommended to Council is to take the necessary steps to commence and exhibited Amendments C143 and C144. To do so is consistent with:
- The Council Plan 2021-2025.
  - Council's responsibility to manage the Nillumbik Planning Scheme and implement activity centre policy for the Shire's Major Activity Centres.
34. Were Council to not pursue the Amendments, it is expected that this could have the following significant implications:
- Council's provisions in the Scheme to guide development of the Shire's Major Activity Centre's would become increasingly outdated and ineffective, including at VCAT.
  - A number of improvements needed to the current provisions, such as setting front setbacks from the property boundary, would not be made.
  - The State Government may take on a more "hands on" approach in applying revised activity centre provisions to the centres.
35. It is emphasised that the Amendment process provides significant opportunity for Council to further consider the proposed Amendments, including by considering submissions received and (if required) the recommendations of an independent Planning Panel.
36. However, only the Minister for Planning can approve the Amendments and there is an overall requirement that the Amendments support State Government policy.

**Council plans and policies**

37. This report directly supports the achievement of the Council Plan 2021-2025 strategy:
- We promote place making and shaping and advocate for the continuation and enhancement of local character.

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38. Further, this report directly supports the achievement of the priority action (mentioned above) in the Council Plan 2021-2025, which is to implement the 2020 structure plans into the Nillumbik Planning Scheme.

**Sustainability implications**

39. Important social, environmental and economic objectives are sought by the State Government's activity centre planning. For example, to:
- Reduce car dependency by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
  - Plan for our ageing population by consolidating housing diversity in close walking distance to shops and public transport.
  - Strengthen the local economy by consolidating commercial activity and providing more local employment.
  - Reflect a preferred local character for each MAC.
  - Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary.

**Community engagement**

40. It is intended that the Amendments will be exhibited concurrently and exhibition of each Amendment would include:
- Written notification to:
    - owners and occupiers in and abutting the activity centre
    - Relevant Ministers and authorities
  - Information sessions for the public (virtual and/or face to face).
  - Notification through Council's usual formats, such as Participate Nillumbik and social media.
  - Providing various options to the public to provide written submissions.
41. All submissions received to each Amendment will be considered by a future meeting of Council's Planning and Consultation Committee and a Council meeting.

**Innovation and continuous improvement**

42. The intent of the proposed planning scheme amendments is to improve Council's planning policies that guide development of the two MAC's in the Shire.

**Collaboration**

43. Development and implementation of the structure plans has and will continue to be based on effective collaboration between relevant units within Council and with external agencies, such as Melbourne Water and DELWP.

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**Budget implications**

1. The proposed planning scheme amendments are fully budgeted from Council's 2021/22 and 22/23 strategic planning amendments budget.

**Relevant law**

44. The *Planning and Environment Act 1987* sets the legal framework for the planning scheme amendment process and gives legal force to Victorian planning schemes.

**Regional, state and national plans and policies**

45. Council is required by the State Government's planning framework to implement Activity Centre Policy in the municipality through the Nillumbik Planning Scheme.

**Conflicts of interest**

46. No officer involved in the preparation of this report has a conflict of interest in relation to this matter.



### Timeline of key steps in planning for the Eltham and Diamond Creek Major Activity Centres

| Date     | Diamond Creek  | Eltham   | Comment   |
|----------|--|--|---|
| Oct 2002 | Melbourne 2030 states that one of metropolitan Melbourne's MAC's is at Diamond Creek | Melbourne 2030 states that one of metropolitan Melbourne's MAC's is at Eltham                      | Melbourne 2030 was the State Government's strategic planning strategy for Melbourne. It was that strategy which introduced activity centre planning for Melbourne as State Government policy, including to designate many locations across metropolitan Melbourne as Major Activity Centres.  |
| Aug 2004 |  | Council adopted the Eltham MAC Structure Plan  | <p>Key directives of the structure plan were:</p> <ul style="list-style-type: none"> <li>The MAC is defined as essentially comprising the Eltham Town Centre, The Bridge Street Business Area and a significant corridor of public open space.</li> <li>There is a focus on creating a centre which, while supporting growth in appropriate areas, reflects a preferred character for Eltham, particularly by: <ul style="list-style-type: none"> <li>Protecting and enhancing the contribution of vegetation, particularly indigenous vegetation</li> <li>Requiring development to respond to Eltham design themes. For example, by being relatively modest in size, using muted tones and materials, reflecting the local topography and minimising visual bulk.</li> </ul> </li> <li>Parkland should be protected for its environmental, aesthetic and social values.</li> <li>There is a focus on creating a safe, inclusive and accessible centre, particularly for pedestrians and cyclists.</li> <li>The Eltham Town Centre is to provide a social, cultural and daily commercial hub for the MAC, whilst the BSBA is to provide for uses which are important to the local economy, but which are not appropriate in the town centre (e.g. light industry and restricted retail). The two areas should not compete.</li> </ul> |
| Sep 2005 |  | Amendment C36 applies an interim planning policy to implement the Eltham MAC Structure Plan (2004) | This interim policy was applied with the understanding that Council would progress a planning scheme amendment to implement a broader range of longer-term provisions to implement the structure plan.  |

Attachment 1. Timeline of key steps in planning for the Eltham and Diamond Creek Major Activity Centres

|          |  |   |  |
|----------|--|---|--|
| Sep 2006 | Council adopted the Diamond Creek MAC Structure Plan   |   | <p>Key directives of the structure plan were:</p> <ul style="list-style-type: none"> <li>The MAC was primarily defined as comprising the light industrial estate at Elizabeth Street, the public transport hub, the existing commercial/mixed use precincts (located in Chute Street and on the east side of the railway line), some school land and also parkland/recreational land within the Diamond Creek corridor.</li> <li>The structure plan also denotes a sizeable area to the south of the activity centre as the best opportunity for growth in medium density housing.</li> <li>There is a focus on creating a centre which, while supporting growth in appropriate areas, reflects a preferred rural township character for Diamond Creek. For example, by: <ul style="list-style-type: none"> <li>Providing moderate commercial expansion in the existing commercial and mixed use areas east of the railway line, maintaining light industry in the industrial precinct, developing Chute St as a secondary retail node and providing medium density housing in and around the centre.</li> <li>Retaining and enhancing the tree coverage.</li> <li>Designing buildings, spaces and streetscapes to reflect the local identity.</li> <li>Protecting parkland for its environmental, aesthetic and social values.</li> <li>Creating a safe, inclusive and accessible centre, particularly for pedestrians and cyclists.</li> <li>Clustering new and compatible community facilities near the town centre.</li> </ul> </li> </ul> |
| Dec 2007 | Amendment C50 applies an interim planning policy to implement the Diamond Creek Major Activity Centre Structure Plan (2006)                      |   | This interim policy was applied with the understanding that Council would progress a planning scheme amendment to implement a broader range of longer-term provisions to implement the structure plan.   |
| Sep 2014 | Amendment C53 applies a suite of planning controls to the Eltham MAC for the purpose of implementing the Diamond Creek MAC Structure Plan (2006) | Amendment C51 applies a suite of planning controls to the Eltham Town Centre for the purpose of implementing the Eltham MAC Structure Plan (2004) | <p>Key points:</p> <ul style="list-style-type: none"> <li>Both amendments were commenced in 2008 and progressed concurrently.</li> <li>Both were fully exhibited and considered by a Planning Panel</li> <li>Both proposed:</li> </ul>   |

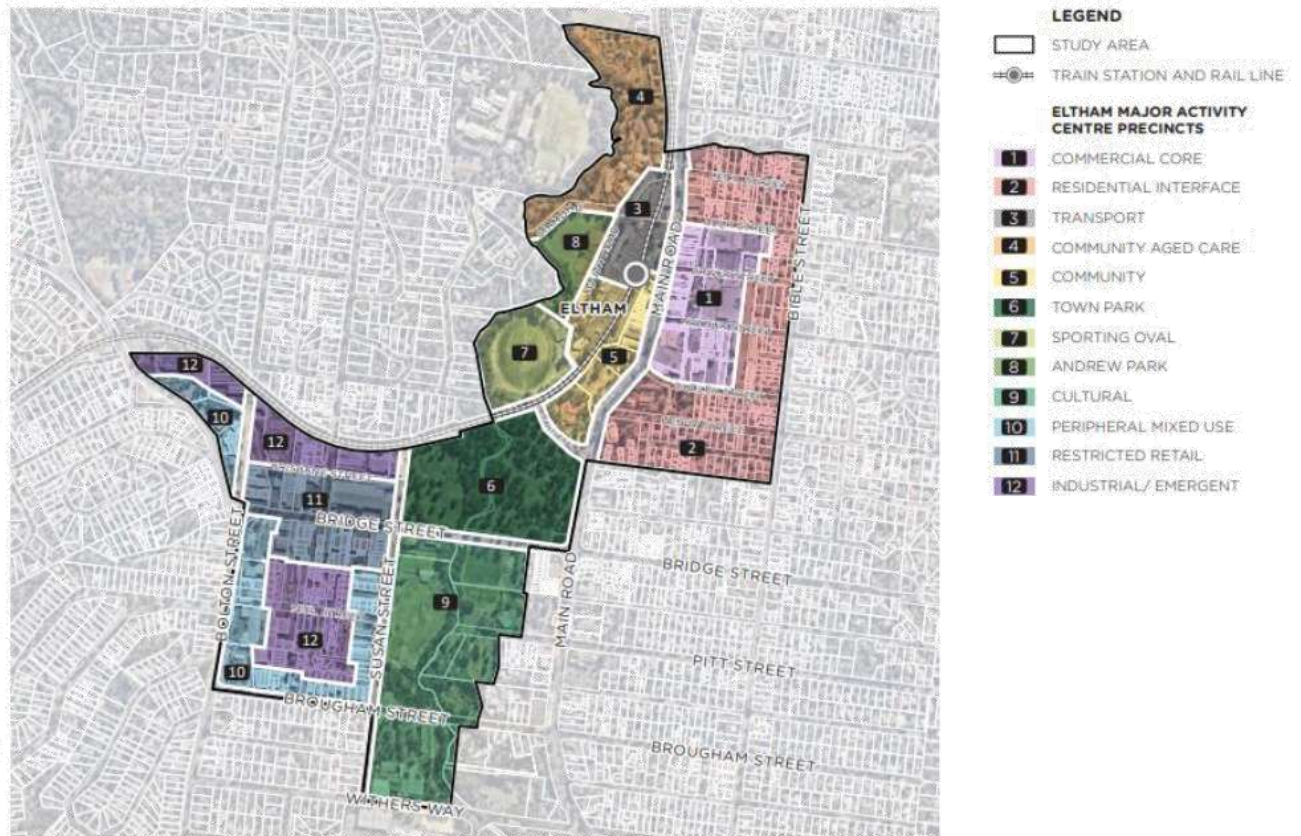
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|----------|--|--|--|
|          |  |  | <ul style="list-style-type: none"> <li>○ Urban design controls, including extensive use of mandatory height controls to allow only modest sized development</li> <li>○ application of a SLO to protect substantial trees</li> <li>○ Land use policy and restrictions</li> <li>• The State Government initially had issue with the proposed application of SLO's and particularly, with the proposed application of mandatory height controls.</li> <li>• A compromise position was reached with DELWP which allowed: <ul style="list-style-type: none"> <li>○ a mix of discretionary and mandatory heights controls with building height limits which ranged from 3 to 5 storeys, and</li> <li>○ application of the SLOs</li> </ul> </li> <li>• At the request of DELWP, at a late-point in the amendment process, the amendments were re-formatted prior to adoption to use a new zone, namely, the Activity Centre Zone (ACZ).</li> <li>• The amendments were adopted in 2010, but by then a new State Government was in place and was opposed to use of the ACZ. Therefore, after significant delay, Council was informed the amendments would not be approved until they had been reformatted to use other zones, such as the Residential Growth Zone (GRZ) and Commercial 1 Zone (C1Z). The amendments were subsequently reformatted as directed and approved in Sep 2014.</li> <li>• Deliberations with the State Government over mandatory height controls and use of the ACZ significantly delayed, by years, approval of the amendments.</li> <li>• Amendment C51 (Eltham) applied activity centre provisions to the Eltham Town Centre only and not to the Bridge Street Business Area (BSBA). It had been Council's intention when commencing C51 to follow adoption of that amendment with another that would apply activity centre provisions to the BSBA.</li> </ul> |
| Aug 2016 | Amendment C106 translated the existing provisions affecting the Diamond Creek MAC (i.e. the provisions introduced by C53) into the | Amendment C106 translated the existing provisions affecting the Eltham MAC (i.e. the provisions introduced by C51) into the Activity Centre Zone: Schedule 1 | <ul style="list-style-type: none"> <li>• A change of State Government brought the ACZ back "into fashion" and in consultation with DELWP, Council initiated an Amendment in 2015 to translate the existing activity centre provisions into ACZ schedules.</li> <li>• It was agreed with the DELWP that the amendments would be assessed as administrative translations and as such, without broad exhibition.</li> </ul>   |

|          |   |  |  |
|----------|---|--|--|
|          | Activity Centre Zone: Schedule 2  |  | <ul style="list-style-type: none"> <li>Translating the existing suite of zones into the ACZ schedules meant that the new ACZ schedules had to replicate each and every land use restriction provided by the previous suite of zones. This has created some inconsistencies, inefficiencies and unnecessary complications with the land use restrictions translated into the ACZ schedules.</li> <li>Amendment C106 did not apply the ACZ1 to the BSBA, as there were no urban design provisions or land use restrictions, which were suitably developed and tailored to the BSBA, that could be translated to that area.</li> </ul>  |
| Jul 2020 |   | Council adopted a new Eltham Major Activity Centre Structure Plan (2020) | <ul style="list-style-type: none"> <li>Council had undertaken work to replace the existing (2004) structure plan as the existing plan had become significantly dated and was losing credibility. Many of the planning provisions it promoted were, by then, no longer current. Further, the data and research underpinning the plan was dated and also, many actions recommended by the plan had already been implemented, or were obsolete.</li> <li>The new structure plan is largely an update to the previous 2004 plan. Some changes introduced by the 2020 Structure Plan are to: <ul style="list-style-type: none"> <li>Extend the activity centre to include Andrew Park and the St Vincent's Aged Care Facility in Diamond Street, whilst still promoting the existing use of each these areas.</li> <li>To provide greater urban design guidance, including for the Bridge Street Business Area, which has been lacking.</li> <li>To suggest improvements to urban design controls that are applied to the Eltham Town Centre. For example, to require front setbacks to be from the property boundary, rather than the kerb.</li> <li>To recommend some minor increases in building height limits in the station precinct.</li> </ul> </li> </ul> |
| Sep 2020 | Council adopted a new Diamond Creek Major Activity Centre Structure Plan (2020) |  | <ul style="list-style-type: none"> <li>Council had undertaken work to replace the existing (2006) structure plan as the existing plan had become significantly dated and was losing credibility. Many of the planning provisions it promoted were by then no longer current. Further, the data and research underpinning the plan was dated and also, many actions recommended by the plan had been implemented, or were obsolete.</li> </ul>  |

|          |   |  |
|----------|---|--|
|          |   | <ul style="list-style-type: none"> <li>The new structure plan is largely an update to the previous 2006 plan. Some minor changes introduced by the 2020 Structure Plan are to: <ul style="list-style-type: none"> <li>Remove reference to an area adjacent to the activity centre as the best opportunity for medium density housing.</li> <li>To make a minor reduction to building height limits in particular areas.</li> <li>To suggest improvements to urban design controls. For example, to require front setbacks to be from the property boundary, rather than the kerb.</li> </ul> </li> </ul> |
| Oct 2021 | Council adopts the 2021-2025 Council Plan | <ul style="list-style-type: none"> <li>A priority action in the new Council plan, under Place and Space, is to:<br/><i>Implement the Major Activity Centre Structure Plans for Diamond Creek and Eltham into the planning scheme.</i></li> </ul>   |

## **EXTENT AND PRECINCTS OF THE ELTHAM MAC**

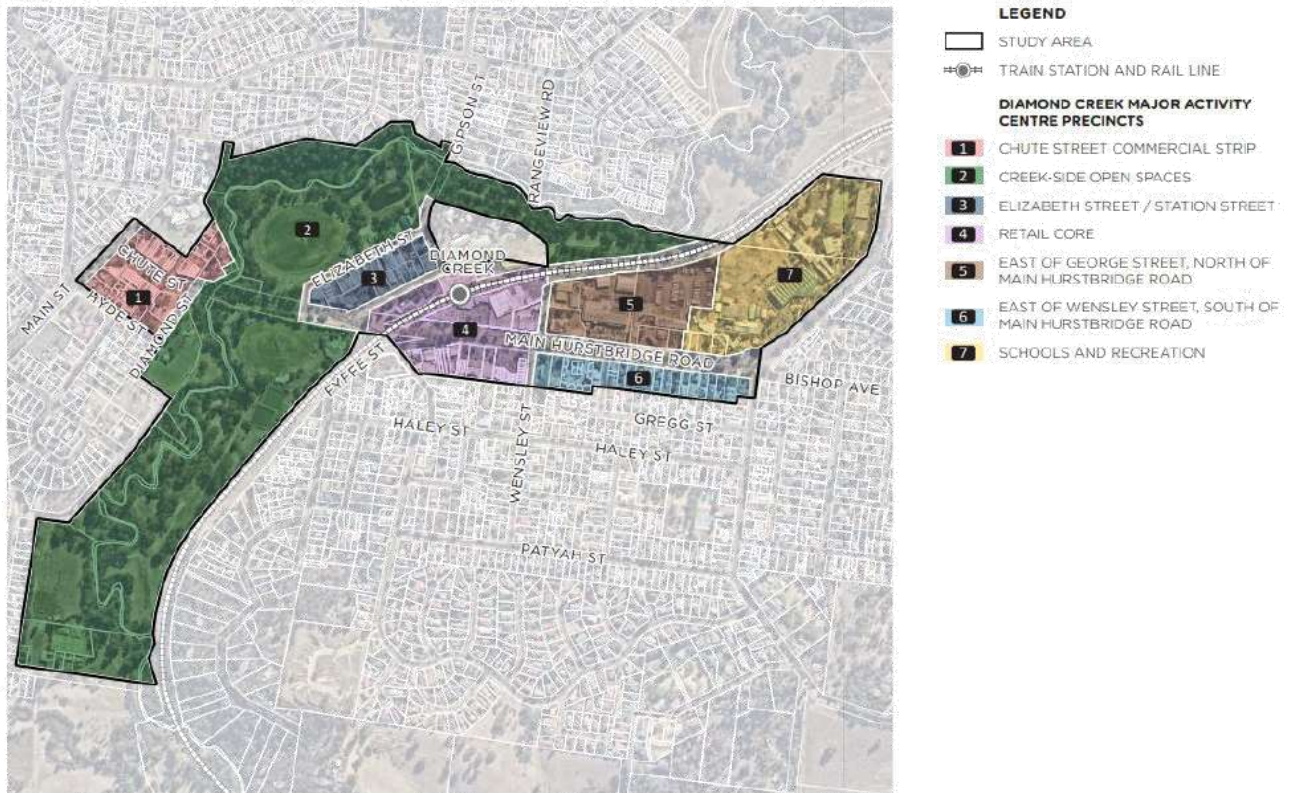
(As defined by the Eltham MAC Structure Plan 2020)





## **EXTENT AND PRECINCTS OF THE DIAMOND CREEK MAC**

(As defined by the Diamond Creek MAC Structure Plan 2020)



**EXISTING MANDATORY AND DISCRETIONARY HEIGHT LIMITS IN THE  
ELTHAM AND DIAMOND CREEK MAJOR ACTIVITY CENTRES**

|          |   |
|----------|---|
| Green =  | A discretionary height limit. It is <u>intended</u> that development not exceed 4 or 5 storeys, but higher development can be approved. |
| Orange = | A mandatory height limit. Development <u>cannot</u> be approved which exceeds 3 storeys.  |

**ELTHAM**



**DIAMOND CREEK**





**PROPOSED HEIGHT CHANGES IN THE ELTHAM MAC**  
(See Appendix A of the Eltham MAC Structure Plan 2020)



**PROPOSED HEIGHT CHANGES IN THE DIAMOND CREEK MAC**  
(See Appendix A of the Diamond Creek MAC Structure Plan 2020)



**AMENDMENTS C143 AND C144 TO THE NILLUMBIK PLANNING SCHEME - TABLE OF KEY PROPOSED CHANGES**

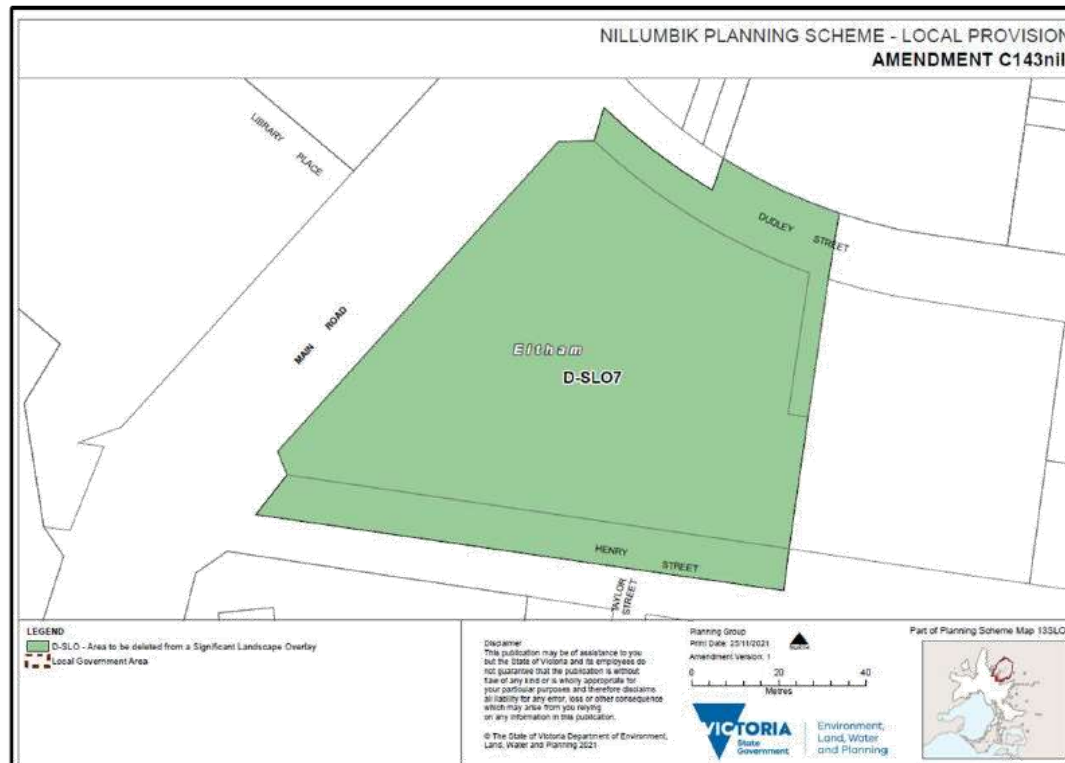
| No. | Change Proposed by Amendment C143 (Eltham)  | Change Proposed by Amendment C144 (Diamond Creek)   | Explanation  |
|-----|---|---|--|
| 1   | Rezone land in the Industrial 3 Zone (IN3Z) in Eltham to Schedule 1 to the Activity Centre Zone (ACZ1) - Eltham Activity Centre. See the map of the proposed rezoning to ACZ1, which is provided as Appendix A below. |   | Extends the ACZ1 to the Bridge Street Business Area (BSBA), which will apply land use and urban design provisions to the BSBA that are tailored to support the objectives of the Eltham MAC Structure Plan (2020).   |
| 2   | To modify the content of the ACZ1 provision (also known as an ordinance) at Clause 37.08 of the Scheme.   | To modify the content of the ACZ2 provision (also known as an ordinance) at Clause 37.08 of the Scheme. | <p>To particularly modify the content to:</p> <ul style="list-style-type: none"> <li>• To set front setbacks from the property boundary and not the kerb.</li> <li>• To provide more urban design guidance within the ACZ schedule.</li> <li>• To cite the relevant 2020 Structure Plan as the primary reference document.</li> <li>• To improve the table of uses, including to address some errors, inconsistencies and allow some potentially significant uses to be better regulated.</li> <li>• Make minor changes to existing height controls, whilst still making extensive use of mandatory height controls and applying modest height limits.</li> <li>• Better acknowledge and support the role of vegetation in providing urban cooling, particularly in public areas.</li> </ul> |

|   |  |  |   |
|---|--|--|---|
|   |  |  | <ul style="list-style-type: none"> <li>For Eltham only – apply urban design and land use settings for the BSBA (discussed further above)</li> </ul>   |
| 3 | To modify the content of the Significant Landscape Overlay: Schedule 1 (Eltham Town Centre)  | To modify the content of the Significant Landscape Overlay: Schedule 6 (Diamond Creek MAC) | To update the schedules to reference and properly reflect the relevant 2020 Structure Plan.   |
| 4 | To remove Schedule 7 (Eltham Gateway) to the Significant Landscape Overlay from 1-13 Henry Street, Eltham. See the map provided as Appendix B below. |  | Two schedules to the SLO are applied to 1-13 Henry Street, Eltham. These are the SLO1 (Eltham Town Centre) and SLO7 (Eltham Gateway). This is an error, as only one schedule to the SLO should be applied. The site is within the Eltham Town Centre and within the area to which the SLO1 is applied. For example, the SLO1 is applied to the abutting properties, rather than the SLO7. The SLO1 is the correct overlay that should be applied to 1-13 Henry Street. It is proposed to remove the SLO7 from the site, which will leave the SLO1 in place on the site. |
| 5 | Modify Clause LPP 11.03-1L-01 (Activity Centres in Nillumbik)  |  | It is proposed to modify the clause to reflect the new structure plans and to remove content that is now addressed through the proposed ACZ1 and ACZ2.  |
| 6 | Delete Clause LPP 11.03-1I-02 (Bridge Street Business Area) from the Planning Policy Framework   |  | The policy is superseded by the proposed extension of the ACZ1 to the BSBA.   |

**APPENDIX A: PROPOSED REZONING IN ELTHAM'S BRIDGE STREET BUSINESS AREA OF THE INDUSTRIAL 3 ZONE (IN3Z) TO SCHEDULE 1 TO THE ACTIVITY CENTRE ZONE (ACZ1)**



**APPENDIX B: PROPOSED REMOVAL OF SCHEDULE 7 TO THE SIGNIFICANT LANDSCAPE OVERLAY (SLO7) FROM 1-13 HENRY STREET, ELTHAM (THE SLO1 WILL BE RETAINED ON THE SITE)**





*Planning and Environment Act 1987*

## **NILLUMBIK PLANNING SCHEME**

### **AMENDMENT C143nill**

### **EXPLANATORY REPORT**

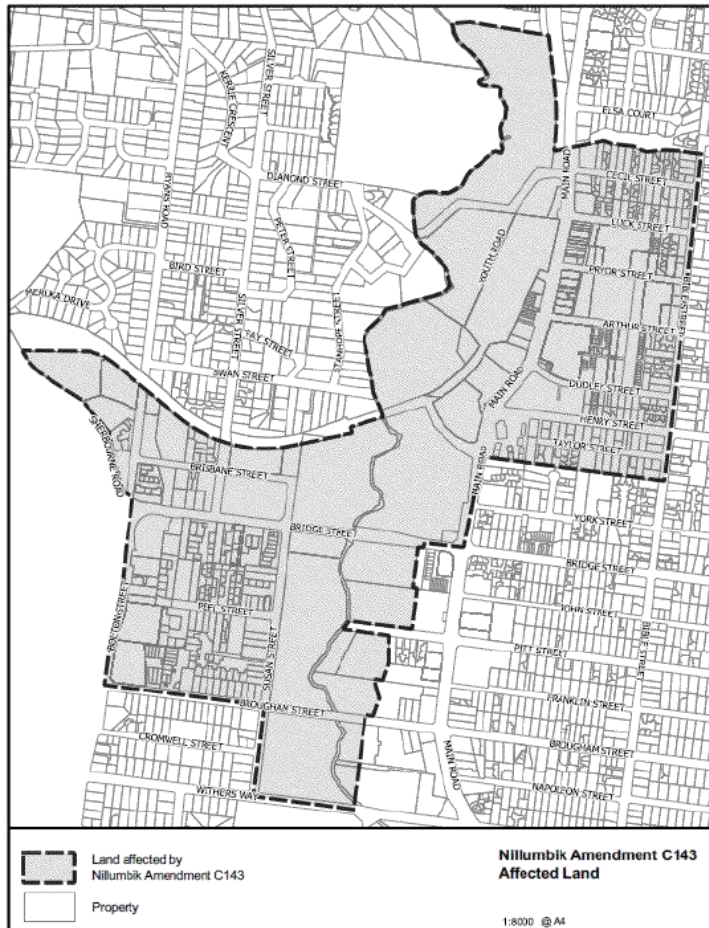
#### **Who is the planning authority?**

This amendment has been prepared by the Nillumbik Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Nillumbik Shire Council.

#### **Land affected by the amendment**

The land affected by the amendment is all land within the Eltham Major Activity Centre. The affected land is shown in the following map:



A mapping reference table is attached at Attachment 1 to this Explanatory Report.

### **What the amendment does**

The amendment will implement the Eltham Major Activity Centre Structure Plan (July 2020) into the Nillumbik Planning Scheme and give it statutory effect, particularly by doing the following:

- Amending planning scheme map Nillumbik 13ZN by rezoning land in the Industrial 3 Zone (IN3Z) in Eltham to Schedule 1 to the Activity Centre Zone (ACZ1), as shown in the map referred to in Attachment 1.
- Modifying the following ordinances in the Nillumbik Planning Scheme to reflect and implement the Eltham Major Activity Centre Structure Plan (July 2020):
  - The ACZ1
  - Schedule 1 to the Significant Landscape Overlay (SLO1) – Eltham Town Centre
  - Clause 11.03-1L-01 (Activity Centres in Nillumbik) of the Planning Policy Framework
- Deleting Clause 11.03-1L-02 (Bridge Street Business Area) of the Planning Policy Framework
- Removing application of Schedule 7 to the Significant Landscape Overlay (SLO7) from 1-13 Henry Street, Eltham.

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to update the Nillumbik Planning Scheme to implement the current adopted structure plan for the Eltham Major Activity Centre. The Nillumbik Planning Scheme currently implements the Eltham Major Activity Centre Structure Plan (2004). However, Nillumbik Shire Council adopted a new structure plan for the Eltham Major Activity Centre in July 2020 and this new structure plan needs to be implemented through the planning scheme.

Implementation of the Eltham Major Activity Centre Structure Plan (2020) particularly requires changes to the Nillumbik Planning Scheme which will:

- Correctly reference and reflect the 2020 Structure Plan as the reference document for relevant provisions in the scheme.
- Make changes to the ACZ1 which will implement particular recommendations of the Eltham MAC Structure Plan (2020). For example, to:
  - Extend application of the ACZ1 to the Bridge Street Business Area.
  - Remove an existing mandatory requirement in the ACZ1 for a top storey to be in the roof.
  - Modify the ACZ1 to require front setbacks to be measured from the property boundary, rather than the kerb.
- Make administrative improvements and/or corrections to the suite of relevant planning provisions. For example:
  - To remove inefficiencies in the table of uses in the ACZ1. For example, to remove unnecessary listings of uses, such as “saleyard” and “tramway”.
  - To streamline the content in the Planning Policy Framework. For example, to delete Clause 11.03-1L-01, which is made redundant by application of the ACZ1 to the Bridge Street Business Area.



- To remove application of the SLO7 to 1-13 Henry Street, Eltham. The SLO1 is already applied to the site and is the correct schedule to be applied.

The proposed changes to the Nillumbik Planning Scheme can only be conducted by a planning scheme amendment.

The amendment is consistent with Planning Practice Note 56: Activity Centres (PPN56) which identifies the Activity Centre Zone as the appropriate statutory tool to implement its strategic directions. Amendment C143 seeks to apply the Activity Centre Zone (ACZ1) to the Bridge Street Business Area within the Eltham Major Activity Centre to guide appropriate future development of the precinct. The Activity Centre Zone has been drafted to provide greater clarity and direction for land use and development in that location.

**How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the following objectives as set out in Section 4 of the *Planning and Environment Act 1987*:

- Section 4(1) (a) - To provide for the fair, orderly, economic and sustainable use and development of land.
- Section 4(1) (c) - To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Section 4(1) (fa) - To facilitate the provision of affordable housing in Victoria
- Section 4(1) (g) - To balance the present and future interests of all Victorians.

**How does the amendment address any environmental, social and economic effects?**

The amendment supports the implementation of State activity centre planning policy in the Eltham Major Activity Centre. Activity centre planning policy aims to provide outcomes which address and respond to a range of current environmental, social and economic effects. Examples of these desired outcomes include to:

- Reduce car dependency by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
- Plan for our ageing population by consolidating housing diversity in close walking distance to shops and public transport.
- Support housing affordability and diversity.
- Strengthen the local economy by consolidating commercial activity and providing more local employment.
- Promote an active, inclusive, engaged and healthy community.
- Reflect a preferred local character for a Major Activity Centre.
- Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary.

**Does the amendment address relevant bushfire risk?**

The amendment is not expected to have any implications regarding bushfire risk. No land affected by the amendment is within the Bushfire Management Overlay. However, the views of the relevant fire authority will be sought through exhibition of the amendment.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with:

- Ministerial Direction - The Form and Context of Planning Schemes – under section 7(5) of the Planning and Environment Act 1987.

- Ministerial Direction No. 9 (Metropolitan Planning Strategy), as explained in the following dot points:
  - The relevant metropolitan planning strategy is Plan Melbourne 2017-2050.
  - The strategy supports the role of activity centres in the planning and development of Melbourne. For example, it is stated that “metropolitan and major activity centres will ensure employment growth occurs outside of the central city”.
  - The strategy denotes Eltham as a Major Activity Centre.
  - The amendment supports continued planning for development of the Eltham Major Activity Centre Structure Plan in accordance with Plan Melbourne 2017-2050.
- Ministerial Direction 11 (Strategic Assessment of Amendments), which seeks to ensure comprehensive strategic assessment of planning scheme amendments.
- Ministerial Direction 19 (Information requirements for amendments that may result in impacts on the environment, amenity and human health), which seeks the views of the Environment Protection Authority in preparation of planning scheme amendments.

**How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports and implements relevant state provisions within the Planning Policy Framework. For example, it supports:

- The objective of Clause 11.02-2S (Structure Planning), which is to facilitate the orderly development of urban areas.
- The objective of Clause 11.03-1S (Activity Centres), which is to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
- All strategies contained within Clause 11.03-1S (Activity Centres), such as:
  - Concentrate major retail activities in the Eltham and Diamond Creek Major Activity Centres.
  - Encourage development that facilitates opportunities for meeting and community interaction in the Eltham and Diamond Creek Major Activity Centres.
- The amendment supports the objectives of Clause 11.03-1L-02 (Bridge Street Business Area), which are:
  - To facilitate a shift from a primarily industrial area to one that includes restricted retail, light industry, commercial offices, health and fitness centres, indoor sports and recreation centres.
  - To enhance the visual amenity, functionality and accessibility of the Bridge Street Business Area.
  - To maximise the development potential of sites within the Bridge Street Business Area.
- The amendment addresses Clause 16.01-3S (Housing Diversity) which increases residential density in the activity centre which will support the provision of a diverse range of housing.
- The amendment addresses Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) by providing for a range of opportunities for commercial – including retail, entertainment, office and other commercial facilities - and business growth and provides a framework for the location and management of growth.
- The amendment addresses Clause 18.01-1S (Land use and transport planning) and Clause 18.02-2S (Public Transport) by encouraging and facilitating growth, including

increased residential density and development within the Eltham Major Activity Centre that is well serviced and in close proximity to public transport.

#### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment supports and is consistent with relevant directions from the Municipal Planning Strategy (MPS). For example, it supports and is consistent with the following content within the MPS:

- The Eltham Major Activity Centre is one of the primary community and commercial focal points within Nillumbik, providing a diverse range of commercial activities, community services, recreational facilities and housing opportunities, as well as containing a substantial public transport hub.
- It is envisioned that the Eltham and Diamond Creek Major Activity Centres will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate. They will also have an increased role in providing for a diversity of housing and in particular, medium density housing.
- The locations considered most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities.
- The main employment locations, the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, need to be maintained to continue to provide opportunities for local employment.
- The existing industrial precincts in Eltham, Research and Diamond Creek are close to full capacity. To facilitate new industrial uses, these precincts should be retained for industrial uses and protected from the encroachment of other uses. This is unless Council has identified the land to be redeveloped with other uses, as is the case for the Bridge Street Business Precinct in the Eltham Major Activity Centre.
- Council seeks to:
  - Promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores
  - Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele and special interest area.
  - Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography.
  - Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.

#### **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions, noting:

- It retains, updates and improves application of the Activity Centre Zone to the Eltham Major Activity Centre. The Activity Centre Zone is the appropriate zone to be applied to a major activity centre.
- It appropriately retains and improves use of the Significant Landscape Overlay to protect particular trees within the Eltham Major Activity Centre.

**How does the amendment address the views of any relevant agency?**

The views of relevant agencies will be sought during the public exhibition process.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is consistent with and supports all the stated transport system objectives contained within the Transport Integration Act (2010).

**Resource and administrative costs**

• **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will have limited impact on the Responsible Authority's resource and administrative costs, particularly as:

- The proposed extension of the ACZ1 to the Bridge Street Business Area is to only a modest sized area of land and thus, is not expected to generate an appreciable increase in the number of planning permit applications.
- The proposed revisions to the content of the ACZ should assist in streamlining the assessment of planning permit applications triggered by the zone, primarily because:
  - The changes provide more urban design guidance for applicants and planners; and
  - Remove some complicated requirements (e.g. mandatory top storey in the roof).

**Where you may inspect this amendment**

The Amendment can be inspected free of charge at the Nillumbik Shire Council's public engagement website at <https://participate.nillumbik.vic.gov.au/>

The amendment is available for public inspection, free of charge, during office hours at the following places:

Nillumbik Shire Council Offices  
Civic Drive  
Greensborough 3088

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **XXXXTBCXXXX**.

A submission must be sent to:

Leigh Northwood  
Lead Strategic Planning  
Nillumbik Shire Council  
Civic Drive (PO Box 476)  
Greensborough 3088

Alternatively, a submission can be sent electronically via email to [strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au)

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **TBC**

- panel hearing: TBC

#### ATTACHMENT 1 - Mapping

| Location | Land /Area Affected                   | Mapping Reference                                |
|----------|---------------------------------------|--|
| Eltham   | All land within the Industrial 3 Zone | Nillumbik C143nill 001zn Map13<br>Exhibition     |
| Eltham   | 1-13 Henry Street, Eltham             | Nillumbik C143nill 002 d-SLO Map13<br>Exhibition |

*Planning and Environment Act 1987*

## **NILLUMBIK PLANNING SCHEME**

### **AMENDMENT C144nill**

#### **EXPLANATORY REPORT**

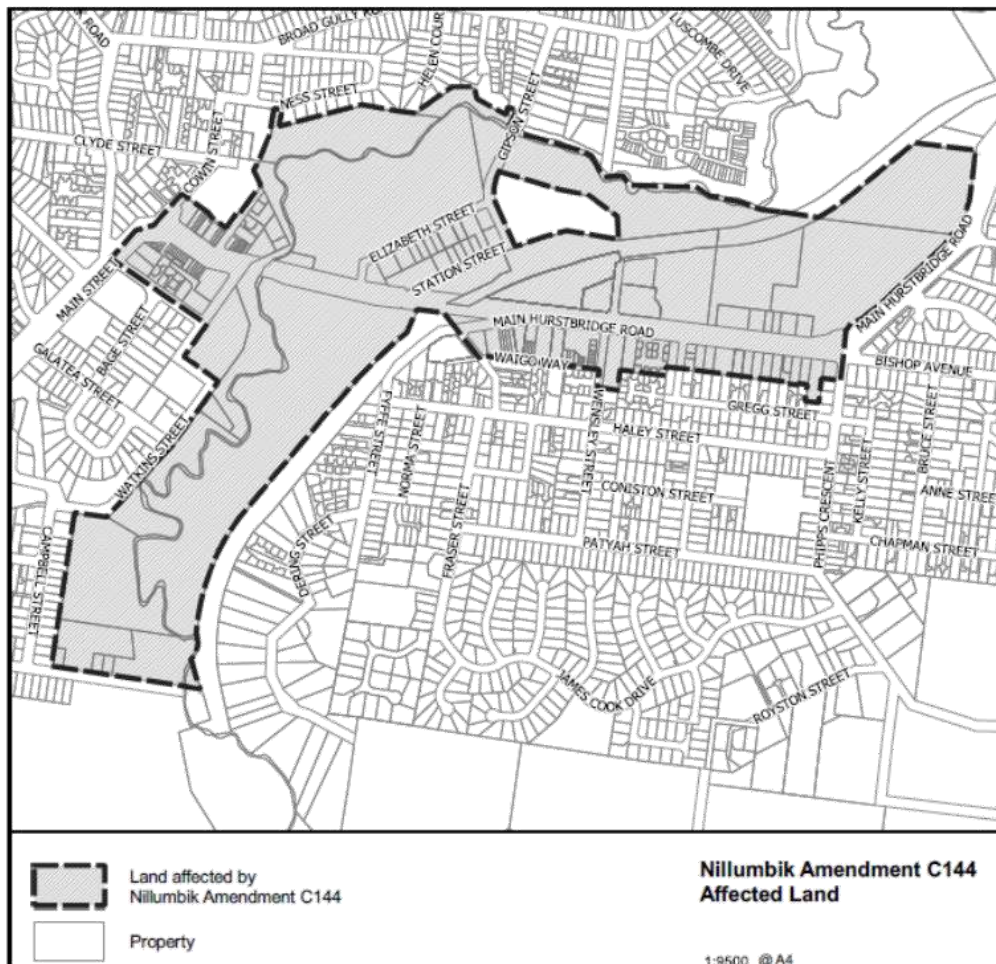
##### **Who is the planning authority?**

This amendment has been prepared by the Nillumbik Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Nillumbik Shire Council.

##### **Land affected by the amendment**

The land affected by the amendment is all land within the Diamond Creek Major Activity Centre. The affected land is shown in the following map:



### **What the amendment does**

The amendment will implement the Diamond Creek Major Activity Centre Structure Plan (September 2020) into the Nillumbik Planning Scheme and give it statutory effect, particularly by doing the following:

- Modifying the following ordinances in the Nillumbik Planning Scheme to reflect and implement the Diamond Creek Major Activity Centre Structure Plan (September 2020):
  - Schedule 2 to the Activity Centre Zone (ACZ2) - Diamond Creek Activity Centre
  - Schedule 6 to the Significant Landscape Overlay (SLO6) – Diamond Creek Activity Centre
  - Clause 11.03-1L-01 (Activity Centres in Nillumbik) of the Planning Policy Framework

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to update the Nillumbik Planning Scheme to implement the current adopted structure plan for the Diamond Creek Major Activity Centre. The Nillumbik Planning Scheme currently implements the Diamond Creek Major Activity Centre Structure Plan (2006). However, Nillumbik Shire Council adopted a new structure plan for the Diamond Creek Major Activity Centre in September 2020 and this new structure plan needs to be implemented through the planning scheme.

Implementation of the Diamond Creek Major Activity Centre Structure Plan (2020) particularly requires changes to the Nillumbik Planning Scheme which will:

- Correctly reference and reflect the 2020 Structure Plan as the reference document for relevant provisions in the scheme.
- Make changes to the ACZ2 which will implement particular recommendations of the Diamond Creek MAC Structure Plan (2020). For example, to:
  - Remove an existing mandatory requirement in the ACZ2 for a top storey to be in the roof
  - Modify the ACZ2 to require front setbacks to be measured from the property boundary, rather than the kerb.
- Make administrative improvements and/or correction to the suite of relevant planning provisions. For example:
  - To remove inefficiencies in the table of uses in the ACZ2. For example, to remove unnecessary listings of uses.
  - To update the Planning Policy Framework to reflect the Diamond Creek Major Activity Centre Structure Plan (September 2020).

The proposed changes to the Nillumbik Planning Scheme can only be conducted by a planning scheme amendment.

The Amendment is consistent with Planning Practice Note 56: Activity Centres (PPN56) which identifies the Activity Centre Zone as the appropriate statutory tool to implement its strategic directions. Amendment C144nill seeks to retain, update and improve the role of Schedule 2 to the Activity Centre Zone (ACZ2) to guide appropriate future development of the Diamond Creek Major Activity Centre. The ACZ2 has been drafted to provide greater clarity and direction for land use and development in that location.



**How does the amendment implement the objectives of planning in Victoria?**

The Amendment implements the following objectives as set out in Section 4 of the *Planning and Environment Act 1987*:

- Section 4(1) (a) - To provide for the fair, orderly, economic and sustainable use and development of land.
- Section 4(1) (c) - To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Section 4(1) (fa) - To facilitate the provision of affordable housing in Victoria
- Section 4(1) (g) - To balance the present and future interests of all Victorians.

**How does the amendment address any environmental, social and economic effects?**

The amendment supports the implementation of State activity centre planning policy in the Diamond Creek Major Activity Centre. Activity centre planning policy aims to provide outcomes which address and respond to a range of current environmental, social and economic effects. Examples of these outcomes include to:

- Reduce car dependency by consolidating housing, employment, public transport and shops and services in close walking distance of each other.
- Plan for our ageing population by consolidating housing diversity in close walking distance to shops and public transport.
- Support housing affordability and diversity.
- Strengthen the local economy by consolidating commercial activity and providing more local employment.
- Promote an active, inclusive, engaged and healthy community.
- Reflect a preferred local character for a Major Activity Centre.
- Reduce pressure to extend the Urban Growth Boundary (UGB) by strategically consolidating within the boundary.

**Does the amendment address relevant bushfire risk?**

The amendment is not expected to have any implications regarding bushfire risk. No land affected by the amendment is within the Bushfire Management Overlay. However, the views of the relevant fire authority will be sought through exhibition of the amendment.

**Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with:

- Ministerial Direction - The Form and Context of Planning Schemes – under section 7(5) of the Planning and Environment Act 1987.
- The amendment is consistent with Ministerial Direction No. 9 (Metropolitan Planning Strategy), as explained in the following dot points:
  - The relevant metropolitan planning strategy is Plan Melbourne 2017-2050
  - The strategy supports the role of activity centres in the planning and development of Melbourne. For example, it is stated that "metropolitan and major activity centres will ensure employment growth occurs outside of the central city".
  - The strategy denotes Diamond Creek as a Major Activity Centre.
  - The amendment supports continued planning for development of the Diamond Creek Major Activity Centre Structure Plan in accordance with Plan Melbourne 2017-2050.



- Ministerial Direction 11 – Strategic Assessment of Amendments – which seeks to ensure comprehensive strategic assessment of planning scheme amendments.
- Ministerial Direction 19 – information requirements for amendments that may result in impacts on the environment, amenity and human health – which seeks the views of the Environment Protection Authority in preparation of planning scheme amendments.

**How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports and implements relevant state provisions within the Planning Policy Framework. For example, it supports:

- The objective of Clause 11.02-2S (Structure Planning), which is to facilitate the orderly development of urban areas.
- The objective of Clause 11.03-1S (Activity Centres), which is to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
- All strategies contained within Clause 11.03-1S (Activity Centres), such as:
  - Concentrate major retail activities in the Eltham and Diamond Creek Major Activity Centres.
  - Encourage development that facilitates opportunities for meeting and community interaction in the Eltham and Diamond Creek Major Activity Centres.
- The amendment addresses Clause 16.01-3S (Housing Diversity) which increases residential density in the activity centre which will support the provision of a diverse range of housing.
- The amendment addresses Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business) by providing for a range of opportunities for commercial – including retail, entertainment, office and other commercial facilities - and business growth and provides a framework for the location and management of growth.
- The amendment addresses Clause 18.01-1S (Land use and transport planning) and Clause 18.02-2S (Public Transport) by encouraging and facilitating growth, including increased residential density and development within the Diamond Creek Major Activity Centre which is well serviced and in close proximity to public transport.

**How does the amendment support or implement the Municipal Planning Strategy?**

The amendment supports and is consistent with relevant directions from the Municipal Planning Strategy (MPS). For example, it supports and is consistent with the following content within the MPS:

- The Diamond Creek Major Activity Centre is a shopping, service and community centre for Diamond Creek and adjoining areas. It contains a range of retail, commercial, community and leisure activities and facilities that are serviced by the Hurstbridge railway, limited bus services and a road network dominated by Main Hurstbridge Road, which forms the 'spine' of the centre.
- It is envisioned that the Eltham and Diamond Creek Major Activity Centres will continue to be the focus of community life, providing a wide range of shopping and professional services and places to meet and recreate. They will also have an increased role in providing for a diversity of housing and in particular, medium density housing.
- The locations considered most suited to medium density development are those that are close to infrastructure, including public transport scheduled stops, commercial areas, public

open space and other community facilities. The Eltham and Diamond Creek Major Activity Centres and the Hurstbridge Shopping Centre provide such facilities.

- The main employment locations, the Eltham and Diamond Creek Major Activity Centres, Hurstbridge Neighbourhood Activity Centre and the industrial land at Research, need to be maintained to continue to provide opportunities for local employment.
- The existing industrial precincts in Eltham, Research and Diamond Creek are close to full capacity. To facilitate new industrial uses, these precincts should be retained for industrial uses and protected from the encroachment of other uses. This is unless Council has identified the land to be redeveloped with other uses, as is the case for the Bridge Street Business Precinct in the Eltham Major Activity Centre.
- Council seeks to:
  - Promote Eltham and Diamond Creek Major Activity Centres as the main commercial and community activity areas of the Shire, supported by Neighbourhood Activity Centres, small local convenience centres, rural townships, and rural stores
  - Facilitate an expansion in the range of commercial and community services available in the major activity centres, including those that cater for a local/regional clientele and special interest area.
  - Facilitate increased diversity and amount of housing in the major activity centres that are sustainable and scaled to respect the surrounding topography.
  - Support the economic and employment viability of Activity Centres, Town Centres and the industrial land at Research.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions, noting:

- It retains, updates and improves application of the Activity Centre Zone to the Diamond Creek Major Activity Centre. The Activity Centre Zone is the appropriate zone to be applied to a major activity centre.
- It appropriately retains and improves use of the Significant Landscape Overlay to protect particular trees within the Diamond Creek Major Activity Centre.

**How does the amendment address the views of any relevant agency?**

The views of relevant agencies will be sought during the public exhibition process.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is consistent with and supports all the stated transport system objectives contained within the Transport Integration Act (2010).

**Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment will have limited impact on the Responsible Authority's resource and administrative costs, particularly as the proposed revisions to the content of the ACZ should assist in streamlining the assessment of planning permit applications triggered by the zone, noting:

- The changes provide more urban design guidance for applicants and planners and further
- Remove some complicated requirements (e.g. mandatory top storey in the roof).

### Where you may inspect this amendment

The Amendment can be inspected free of charge at the Nillumbik Shire Council's public engagement website at <https://participate.nillumbik.vic.gov.au/>

The amendment is available for public inspection, free of charge, during office hours at the following places:

Nillumbik Shire Council Offices  
Civic Drive  
Greensborough 3088

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

### Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by XXXXTBCXXX.

A submission must be sent to:

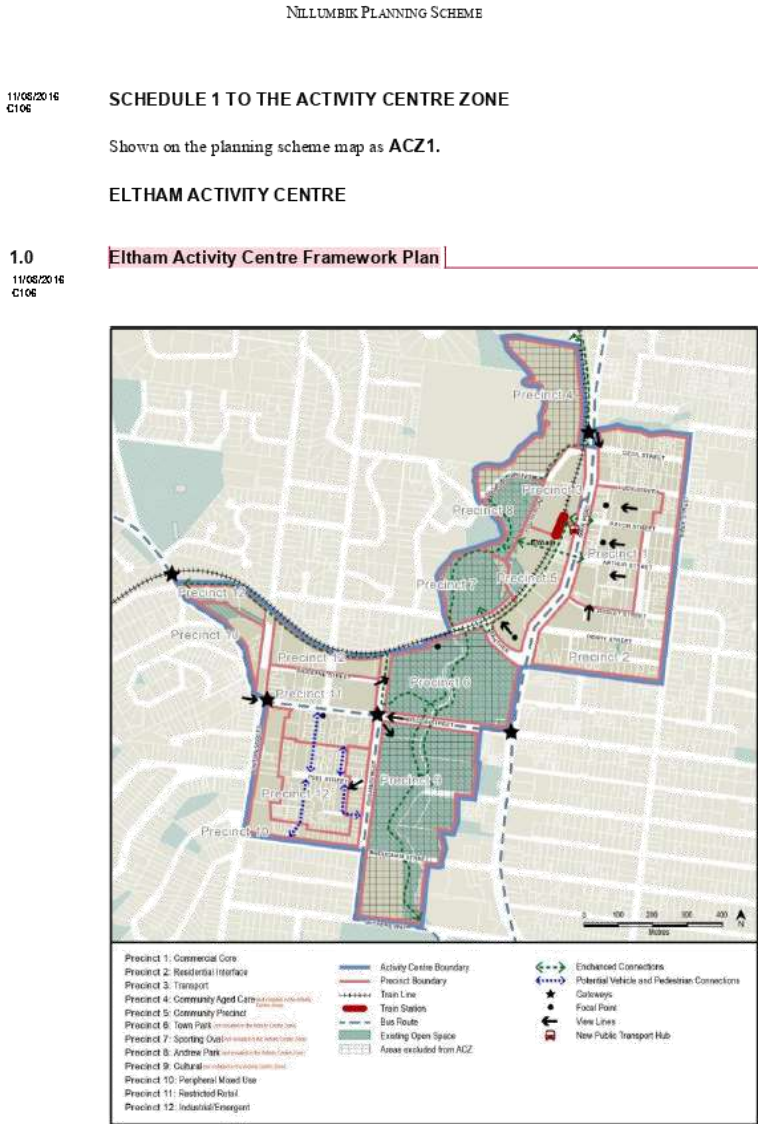
Leigh Northwood  
Lead Strategic Planning  
Nillumbik Shire Council  
Civic Drive (PO Box 476)  
Greensborough 3088

Alternatively, a submission can be sent electronically via email to [strategic.planning@nillumbik.vic.gov.au](mailto:strategic.planning@nillumbik.vic.gov.au)

### Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: TBC
- panel hearing: TBC



**Commented [PF1]:** The Framework Plan has been updated to include the Bridge Street Business Area (Precincts 10-12), which is a major commercial and light industrial section of the MAC which is currently not within the ACZ1.

Whilst the 2020 Structure Plan brings Precinct 4 (St Vincent's Aged Care Facility at Diamond Street) into the MAC, the new precinct has not been included in the proposed ACZ1 for the following reasons:

- A large part of the site is currently subject to the Urban Floodway Zone (UFZ) and the extent is determined by Melbourne Water. It is not considered prudent for Council to take the role of managing UFZ style mapping and conditions through the ACZ1.
- The existing settings are considered to adequately cater for the use of the site at present.

| NILLUMBIK PLANNING SCHEME |   |
|---------------------------|---|
| 2.0                       | Land use and development objectives to be achieved  |
| 11/02/2016<br>C106        | <p><b>Land use</b></p> <ul style="list-style-type: none"> <li>To achieve the vision, objectives and strategies of the Eltham Major Activity Centre Structure Plan (July 2020).</li> <li>To encourage a land use mix that services local residents, supports local businesses, while attracting ongoing investment to the centre.</li> <li>To encourage mixed-use developments in the Activity Centre as specified in the Eltham Major Activity Centre Structure Plan (July 2020).</li> <li>To provide more employment opportunities by intensifying and expanding the range of commercial and community activities in the centre, particularly the amount of office development.</li> <li>To promote the provision of convenience and comparison shopping in a compact core east of Main Road between Luck and Dudley Street.</li> <li>To encourage the development of leisure and social opportunities such as retail, dining and entertainment, which operate day and night, and at weekends.</li> <li>To create a lively and people-based centre with civic and community spaces that enhance community.</li> </ul> <p><b>Built form and character</b></p> <ul style="list-style-type: none"> <li>To encourage more intensive development in a variety of high quality forms and design responses that respond to the Eltham form and character and create a safe, stimulating and enjoyable experience for people in the Activity Centre.</li> <li>To ensure that elements that contribute to the form and character of Eltham such as timber in buildings, simple, robust design elements, verandahs with timber colonnades on the outer edge and art on the façade of buildings is incorporated in developments.</li> <li>To ensure that the built form of the town centre responds to, enhances and links to the Eltham Activity Centre's 'green spine' of Alistair Knox Park and other parkland along the Diamond Creek.</li> <li>To ensure building heights, setbacks and form have regard to and seek to be compatible with the surrounding development and the character of the locality in which the development is situated.</li> <li>To ensure the exterior of buildings fit the character of the area by utilising earthy toned colours and materials such as stone, wood, render and mud brick.</li> <li>To ensure that building setbacks achieve spatial proportion to the street and define the street edge, providing a high amenity for uses of the street.</li> <li>To maintain appropriate levels of solar access to existing and proposed public spaces.</li> <li>To avoid underdevelopment of land within the Activity Centre.</li> <li>To ensure development mitigates detrimental off-site amenity impacts.</li> <li>To create a transition in uses and built form scale between the Activity Centre and adjacent residential areas (outside the Activity Centre).</li> <li>To reduce the visual dominance of car parking and ensure the design of parking and access areas is safe, practical and attractive.</li> </ul> |

**Commented [PF2]:** References to the relevant structure plan have been updated to the Eltham MAC Structure Plan (July 2020).

#### NILLUMBIK PLANNING SCHEME

- To enhance the continuity of pathways within the Activity Centre and improve the connection to surrounding neighbourhoods.
- To provide significant opportunities for deep rooted landscaping around the perimeter of buildings, including by ensuring basements are designed to support and provide for this outcome.

#### Landscape and place activation

- To create a lively and people-based centre, accommodating a wide variety of place based activities, including pop up parks, playgrounds, markets, festivals and events.
- To encourage public artwork in suitable locations to contribute to the 'art character' of Eltham.
- To increase activity, interaction and passive surveillance in the Activity Centre, particularly in main retail and mixed use areas, along pedestrian routes and open spaces by the incorporation of active frontages and large display windows at ground level.
- To ensure pedestrian entrances into buildings are located at the same level as the footpath, clearly visible from the street, well lit, and allow for mobility-impaired access.
- To reinforce the theme and role of indigenous vegetation within the Eltham Activity Centre, including by protecting and planting, where appropriate, indigenous vegetation.
- To protect and enhance the contribution provided by canopy trees to the existing and preferred character of Eltham.
- To ensure that the front, side and rear setbacks of development sites are extensively and effectively landscaped with canopy trees and other vegetation, particularly indigenous where appropriate.
- To ensure that the health of existing canopy trees is not unnecessarily jeopardised by buildings and works.
- To visually connect to the surrounding ridges and tree lines surrounding the town centre.
- To use vegetation to mitigate against the heat-island effect within the activity centre, particularly in key public areas.
- To ensure new car parking areas are provided with landscaping with canopy trees where appropriate.

#### Movement and access

- To facilitate the development of a new public transport hub (railway station and bus interchange), including providing adequate well-designed and integrated commuter parking.
- To connect the eastern and western sides of the rail crossing on Diamond Street and improve the Centre's walkable catchment, including by removing the rail crossing.
- To ensure the design of parking and access areas is safe, practical and attractive.
- To improve car park management and design including designated accessible bays and sufficient bicycle facilities.
- To establish the commercial and retail precincts of the centre as 'pedestrian priority areas'.

**Commented [PF3]:** This and certain other changes are designed to articulate and/or support the need to plant good shade providing trees to combat urban heating, particularly in public areas, whilst still promoting a preference for indigenous vegetation in the MAC.



NILLUMBİK PLANNING SCHEME

- To provide for and strengthen circulation networks and linkages between the Eltham Town Centre (Precincts 1-5) and the Bridge Street Business Area (BSBA) (Precinct 10-12) and other destinations in and around the Activity Centre.
- To improve visual and physical connections for pedestrians and cyclists (including by the use of wayfinding signage) between the Diamond Creek Trail and key destinations within the Activity Centre.
- To create a network that encourages people to walk and cycle safely to, and within the Activity Centre.
- To create new and improved pedestrian and/or cyclist connectivity:
  - across the railway line,
  - along and across Main Road, while adequately maintaining traffic flow.

**Community and leisure**

- To provide for a network of spaces and facilities as required for leisure and recreation to meet projected community needs.
- To provide more unstructured recreational spaces.
- To encourage better connectivity between community uses.
- To provide a multi-purpose community hub in the Activity Centre.
- To encourage community art.

**Land configuration and ownership**

- To discourage subdivision that fragments existing land holdings and reduces development opportunities and active frontages.
- To encourage the consolidation of land to create lots of a size sufficient to accommodate the visual and amenity impacts associated with more intense development.

3.0  
11/08/2016  
C106

**Table of uses**

**Section 1 - Permit not required**

| USE  | CONDITION  |
|--|--|
| Accommodation (other than Corrective institution, Dependent person's unit, Dwelling, Residential aged care facility) | Must be in Precinct 1, 3 or 4A. Any frontage at ground floor level must not exceed 2 m.  |
| Bed and breakfast  | Must be in Precinct 1, 2, 3 or 5.<br>In Precinct 2: <ul style="list-style-type: none"> <li>▪ no more than 10 persons may be accommodated away from their normal place of residence</li> <li>▪ at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</li> </ul> |
| Convenience shop   | Must be in Precinct 10, 11 or 12.  |

**Commented [PF4]:** A range of changes are proposed to the existing table of uses and each change is typically for one or more of the following reasons:

1. To apply the table to the Bridge Street Business Area (Precincts 10-12), including to provide land use settings which are tailored to support the direction of the 2020 structure plan. For example, to remove the existing situation in the Bridge Street Business Area (BSBA) where the use of land for a supermarket can occur without a permit (subject to conditions).

2. To update the number of precincts to be consistent with the new numbering contained within the 2020 structure plan.

3. To update the table of uses to be consistent with the required format and style of planning schemes. For example, to update particular land use terms and planning scheme clauses referred to in conditions.

4. To address inconsistencies and issues that were created by the existing ACZ1 schedule having been created as a direct translation of the previous VPP zones (e.g. C1Z and RGZ). Some examples of proposed changes in relation to this matter are:

a) Removing certain uses listed only because they were listed in a translated VPP and which otherwise are not necessary to be listed in the ACZ1 Schedule. Examples of uses removed from the proposed table for this reason are 'Tramway', 'Saleyard' and 'Horse Stables'.

b) Making modifications to better reflect the outcomes sought by the structure plan, rather than the blunt, generic condition taken earlier from a VPP. For example, to remove the capacity, translated from the C1Z, for a cinema based entertainment facility to establish without a planning permit in key parts of the Eltham Town Centre.

c) Correcting any errors found in the earlier translation. For example, Shop appears to have been incorrectly translated across as a Section 1 use in Precinct 2 (it is not a Section 1 Use in the previous zone, which was the RGZ).

Further explanation for some of the proposed settings in the table of uses are provided in the comments below.

NILLUMBİK PLANNING SCHEME

| USE   | CONDITION  |
|---|--|
| Dwelling (other than Bed and breakfast)                                 | Must be in Precinct 1, 2, 3 or 5.<br>In Precincts 1, 3, 5A, 5D or 5E any frontage at ground floor level must not exceed 2 metres (other than Caretaker's house).                             |
| Food and drink premises (other than Convenience restaurant, Hotel, Bar) | Must be in Precinct 1, 3, 5A, 5D or 5E.  |
| Home occupation   |  |
| Informal outdoor recreation   |  |
| Medical centre  | Must be in Precinct 1, 3 or 5A.  |
| Minor utility installation  |  |
| Office (other than Medical centre)                                      | Must be in Precinct 1, 3, 5A or 10.  |
| Place of worship  | Must be in Precinct 1, 2, 3 or 5.<br>The gross floor area of all buildings must not exceed 250 square metres.<br>In Precinct 2 the site must adjoin or have access to a road in a Road Zone. |
| Railway   |  |
| Railway station   | Must be in Precinct 3 or 5D.<br>The total leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 50 square metres.                      |
| Residential aged care facility  | Must be in Precinct 1, 3 or 5A.<br>Any frontage at ground floor level must not exceed 2 metres.  |
| Restricted retail premises  | Must be in Precinct 11.  |
| Retail premises (other than Shop, Food and drink premises)              | Must be in Precinct 1, 3, 5A, 5D or 5E.  |
| Shop (other than Adult sex product shop)                                | Must be in Precinct 1, 3, 5A, 5D or 5E.  |

**Commented [PF5]:** Precinct 11 in the Bridge Street Business Area (BSBA) is the preferred location in the MAC for this use

**Commented [PF6]:** The condition has been amended to remove the current situation where the IN3Z makes a shop and supermarket a Section 1 use in the BSBA. Listing shop and supermarket as Section 1 in the BSBA conflicts with the intended role of the Eltham Town Centre as the day to day retail heart of the MAC

**Commented [PF7]:** The proposed condition addresses the existing situation where the IN3Z makes a shop and supermarket a Section 1 Use (subject to conditions) in the BSBA. Having shops and supermarket as a Section 1 Use in the BSBA is contrary to the 2020 structure plan's intended different roles for the BSBA and Eltham Town Centre.



NILLUMBİK PLANNING SCHEME

| USE  | CONDITION   |
|--|---|
| Warehouse (other than Fuel depot, Mail centre or Shipping container storage) | <p>Must be in Precinct 10, 11 or 12.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in a Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living 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:</p> <ul style="list-style-type: none"> <li>The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>30m, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <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> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>Transport of materials, goods or commodities to or from the land.</li> <li>Appearance of any stored goods or materials.</li> <li>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul> |
| Any use listed in Clause 62.01   | Must meet requirements of Clause 62.01.   |

Section 2 - Permit required

| USE  | CONDITION  |
|--|--|
| Accommodation (other than Corrective institution, Dependent person's unit, Residential aged care facility) | Must be in Precinct 1, 2, 3 or 5.  |
| Adult sex product shop   | <p>Must be in Precinct 1, 3, 5A, 10, 11 or 12.</p> <p>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 2, 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.</p> |

**Commented [PF8]:** Applies and updates the condition which is currently applied by the IN3Z to Precincts 10-12, which is considered appropriate.

**Commented [PF9]:** The proposed condition prohibits accommodation in the BSBA (Precincts 10-12), which is appropriate.

NILLUMBİK PLANNING SCHEME

|   |   |
|---|---|
| Amusement parlour   | Must be in Precinct 1, 3, 5A, 10, 11 or 12.<br>In Precinct 10 the site must not have frontage to Brougham Street  |
| Bottle shop   | Must be in Precinct 1, 3 or 5A.   |
| Brothel   | Must be in Precinct 1, 3, 5A, 10, 11 or 12.<br>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 2, 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. |
| Car park  | In Precinct 2 must be used in conjunction with another use in Section 1 or 2.   |
| Car wash  | In Precinct 2 the site must adjoin or have access to a road in a Road Zone.   |
| Child care centre   |   |
| Cinema  | Must be in Precinct 1, 3 or 5.  |
| Cinema based entertainment facility   |   |
| Convenience restaurant  | Must be in Precinct 1, 3, 5A, 10, 11 or 12.<br>In Precinct 10 the site must not have frontage to Brougham Street.   |
| Convenience shop  |   |
| Education centre  | In Precinct 10, 11 or 12 it must not be a Primary or Secondary school.  |
| Exhibition centre   |   |
| Food and drink premises (other than Convenience restaurant, Hotel)                  |   |
| Hotel   | Must be in Precinct 1, 2, 3 or 5<br>In Precinct 2 the site must adjoin or have access to a road in a Road Zone.   |
| Industry (other than Car wash, Materials recycling, Transfer station)               | Must be in Precinct 1, 3, 5A, 10, 11 or 12.<br>In Precinct 1, 3 or 5A must not be a purpose listed in the table to Clause 53.10.  |
| Leisure and recreation (other than Informal outdoor recreation, Motor racing track) |   |
| Nightclub   | Must be in Precinct 1, 3, 5, 10, 11 or 12.<br>In Precinct 10 the site must not have frontage to Brougham Street   |
| Office (other than Medical centre)  | In Precinct 2:<br><ul style="list-style-type: none"> <li>the land must be located within 100 m of Precinct 1, 3 or 4A</li> <li>the land must have the same street frontage as the land in Precinct 1, 3 or 4A</li> <li>leasable floor area must not exceed 250 m<sup>2</sup>.</li> </ul>  |

**Commented [PF10]:** Replicates an existing condition of the IN3Z for the BSBA, which appears appropriate.

**Commented [PF11]:** The proposed condition further restricts this use in Precinct 2 (Residential Interface), which is appropriate, rather than allowing the use further within the residential interface. The condition prohibits a hotel from Precincts 10, 11 or 12, which is appropriate to support the intended different roles of the Eltham Town Centre and BSBA.

NILLUMBİK PLANNING SCHEME

|   |  |
|---|--|
| Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, Place of worship)                 |  |
| Plant nursery   |  |
| Residential aged care facility  | Must be in Precinct 1, 2, 3 or 5.  |
| Restricted retail premises  | Must be in Precinct 1, 3, 5A, 10 or 12.  |
| Retail premises (other than Food and drink premises, Plant nursery, Restricted retail premises, Shop)           | Must be in Precinct 1, 3, 5A, 10, 11 or 12.  |
| Service station   | In Precinct 2 the site must either: <ul style="list-style-type: none"> <li>adjoin land in Precinct 1, 3 or 5</li> <li>adjoin or have access to a road in a Road Zone.</li> </ul> In Precinct 2 the site must not exceed either: <ul style="list-style-type: none"> <li>3000 square metres</li> <li>3600 square metres if it adjoins on two boundaries of a road in a Road Zone.</li> </ul> |
| Shop (other than Adult sex product shop, Bottle shop, Convenience Shop) if the Section 1 conditions are not met | Must be in Precinct 1, 2, 3 or 5.<br>In Precinct 2: <ul style="list-style-type: none"> <li>the land must be located within 100 metres of Precinct 1, 3, 5A, or a Mixed Use Zone.</li> <li>the land must have the same street frontage as the land in Precinct 1 or Mixed Use Zone.</li> </ul>  |
| Telecommunications facility – if the requirements of Clause 52.19 are not met                                   |  |
| Utility installation (other than Minor utility installation, Telecommunications facility)                       |  |
| Warehouse (other than minor utility installation, Telecommunications facility, Store)                           | Must be in Precinct 1, 3, or 5A.<br>Must not be for a purpose listed in the table to Clause 53.10.   |
| Any other use not in Section 1 or 3   |  |

**Commented [PF12]:** Prohibits the use in the BSBA, which is appropriate.

Section 3 – Prohibited

USE

Corrective institution  
Intensive animal husbandry  
Motor racing track

4.0  
11/05/2016  
C106

Centre-wide provisions

4.1  
11/05/2016  
C106

Use of land

A permit is not required to use land for the purpose of local government, recreation, education, transport, police or health providing the use is undertaken by, or on behalf of, the public land manager.

NILLUMBİK PLANNING SCHEME

**Amenity of the neighbourhood**

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**Application requirements**

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- 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 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- 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.

**Decision guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The damage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries.

NILLUMBIK PLANNING SCHEME

4.2 Subdivision

11/09/2016  
C106

In Precinct 2, an application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses in the following table.

| Class of subdivision | Objectives and standards to be met  |
|----------------------|---|
| 60 or more lots      | All except Clause 56.03-5.  |
| 16-59 lots           | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.                |
| 3-15 lots            | All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3, 56.06-6. |
| 2 lots               | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.08 to 56.09-2.                       |

4.3 Buildings and works

11/09/2016  
C106

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

In Precincts 1, 3 and 5A a permit is not required for:

- The installation of an automatic teller machine unless it occupies more than 10% of the frontage.
- Alter an existing commercial building façade provided that:
  - the alteration does not include installation of an external roller shutter,
  - at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construct an awning that projects over a road if it is authorised by the relevant public land manager.

Construction and extension of one dwelling on a lot

In Precinct 2 a permit is not required to:

- Construct or extend one dwelling on a lot of more than 300 square metres and not on common property.
- Construct or carry out works normal to a dwelling
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Construct one dependent person's unit on a lot.

A development must meet the requirements of Clause 54, unless otherwise stated in this schedule.

NILLUMBIK PLANNING SCHEME

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**In Precinct 2:**

- A permit is not required to construct a front fence within 3 metres of a street associated with two or more dwellings on a lot or a residential building provided it does not exceed the maximum height specified in Clause 55.06-2.
- A development must meet the requirements of Clause 55, unless otherwise stated in this schedule. This does not apply to a development of five or more storeys, excluding a basement.

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Buildings on lots that abut a residential zone**

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone or Neighbourhood Residential Zone must meet the requirements of Clauses 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary, unless otherwise stated in this schedule.

4.4  
11/06/2016  
C106

**Design and development**

In Precincts 10-12, Buildings should include flat, low pitch or skillion roof forms and incorporate water harvesting features.

**Building height**

A permit cannot be granted to vary any 'Mandatory Height' specified in the precinct provisions of this schedule.

Permit applications which seek to exceed any 'Discretionary Height' specified in the precinct provisions of this schedule, should demonstrate that:

- The objectives listed in Part 2.0 of this schedule are satisfied, particularly those listed under Built form and character and Landscape and place activation.
- The objectives and guidelines of the relevant precinct of this schedule are satisfied.
- Increased setbacks are provided for landscaping which includes additional canopy trees to assist in visually softening the development at street level and providing increased permeable surfaces.
- Design principles are included which provide landscaping beyond the ground level and green facades.
- The development substantially contributes to the appearance of the Activity Centre through high architectural quality appropriate to the character of the centre.

For the purposes of this Schedule, building height excludes service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- The features are no more than 4 metres above the maximum height of the building;
- The top floor area of the features is no more than 20 per cent of the floor area of the top building level;
- The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces;

**Commented [PF13]:** The guidelines for roof form have been simplified and made more flexible. For example, a requirement has been removed from the existing schedule that all roofs in the Eltham Town Centre (existing Precincts 1-4) should be pitched, gabled or hipped greater than 10 percent. Further, any requirement for a top storey to be in the roof has been removed.

# NILLUMBİK PLANNING SCHEME

- The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority.

## Building setbacks

Minor works including verandahs, architectural features, balconies, sunshades, screens and artworks may be constructed within any setback area specified at Part 5.0, provided they are designed and located to the satisfaction of the responsible authority.

Basement levels should be designed to provide deep rooted landscaping around the perimeter.

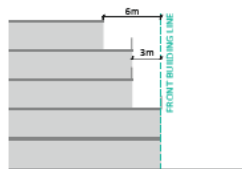
Where the precinct provisions specify a front setback, that setback is measured from the property boundary.

## Precinct design guidelines

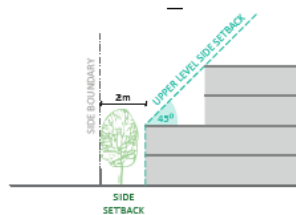
### Precincts 1-5

The following design guidelines apply to development within Precincts 1-5 in the Activity Centre, unless otherwise specified in Precinct provisions in Part 5.0 of this schedule.

1. Development should include a front setback as specified in the Precinct provisions in Part 5.0 of this schedule.
2. Any part of the building above 2 storeys should be:
  - Setback at least 3 metres from the front building line. Above 4 storeys the building should be setback a further 3 metres.



- Setback beyond a 45 degree plane from the sides of the level below (Precinct 2 properties only).



3. Rear setbacks to direct residential zones should be designed to manage visual bulk and overshadowing impacts to adjacent residential properties by:
  - Applying a 7m rear landscape setback; and
  - Apply a 1m setback for every metre of height over 10.9m.

**Commented [PF14]:** As recommended by the 2020 structure plan, the front setback is now to be measured from the front property boundary. This brings the schedule into line with common planning practice and should assist Council to achieve landscaped setbacks in Precinct 2.

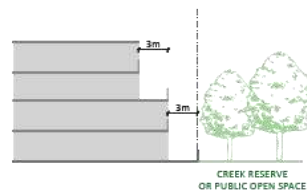
**Commented [PF15]:** The schedule has been modified to provide more guidance, including by use of diagrams, of the design outcomes sought. This is in line with the State Government's preference for such guidance to be within the planning provision, rather than in a reference document (which is the practice used by the existing ACZ1 schedule which references a separate design guidelines document).



NILLUMBİK PLANNING SCHEME



4. Rear setbacks to other zones above the street wall should be:
  - 4.5m from the common boundary, where a habitable room window or balcony is proposed; or
  - 3.0m from the common boundary where a commercial or non-habitable window is proposed.
5. Development on lots directly interfacing with a creek reserve or public open space should:
  - Be designed to address the creek reserve/ open space with entries, windows and balconies.
  - Provide a 4 metre upper level setback above the street wall to the creek reserve/open space.
  - Include a 3 metre landscaped setback from the property boundary facing the creek reserve/ open space.
  - Incorporate a low, visually permeable fence to clearly define the public realm while retaining the potential for visual interaction.



**Bridge Street Business Area Design Guidelines (Precincts 10-12)**

The following design guidelines apply to development within Precincts 10-12 (Bridge Street Business Area) in the Activity Centre:

1. Building setbacks should be applied as per the precinct plans in Part 5.0 of this schedule.
2. Building envelopes should be proportionate in scale to surrounding buildings.
3. Buildings should incorporate modulated and articulated facades to provide visual interest to the overall development.
4. Locate office/ display in front of industrial shed or warehouse to street elevations. Include windows with displays and doors to the street frontage. The building entrance must be located on street frontage to ensure it is visible and easily recognised.

**Commented [PF16]:** Design guidelines are also now provided for the Bridge Street Business Area now that this important section of the Eltham MAC is proposed to be included within the ACZ1.

NILLUMBİK PLANNING SCHEME

5. Service areas, storage yards, loading docks and site car parking should be located at the side or the rear to reduce their visual prominence.
6. Any part of the building above 2 storeys should be:
  - Setback at least a 1:1 ratio from the second storey wall.
  - Well-articulated to provide visual interest.
7. Development should include a front setback that follows the prevailing building frontage line of neighbouring buildings and the streetscape, or the front setback specified in the precinct provisions at Part 5.0 of this schedule, whichever is lesser.
8. Where buildings are setback, entry features should extend to street edges and the front setback should be well landscaped, including with canopy trees where possible.
9. Development located on street corners should address both frontages and have regard to prevailing setback distances to both streets.
10. Building materials and colour palette should reflect the existing character through lightweight cladding, timber, render, on-masonry sheeting, glazing, brick, mud-brick and iron roofing.
11. Site development should respect major view lines from public vantage points.
12. Clearly delineate pedestrian and vehicular entries to the site.
13. Incorporate water efficient, energy sensitive and water sensitive urban design into the development.
14. Retain canopy trees wherever possible, in both the private and public realm.
15. Provide landscaping in the front and side setbacks with plants/species that are drought tolerant and where appropriate, indigenous to the local area.
16. Provide canopy trees in the front setback and car parking areas to soften the built form and provide shading opportunities.
17. Front fencing along the street boundary is discouraged. If required, fencing should be permeable and should have a maximum height of 1.5m.
18. Side and rear fences should not exceed 1.8m in height
19. Extensive chain and wire cyclone mesh fencing is discouraged within areas that are visible from the street.

**Landscape design**

Landscape design should:

- Create private and public open space areas that are accessible, safe, attractive and functional.
- Retain established indigenous vegetation within all streets that contributes to the 'green and leafy' appearance of the area, in both the private and public realm.
- Limit the removal of vegetation to the minimum required to allow the land to satisfy its development potential.
- Provide high standard landscape treatment in the front setback where buildings are setback from the street with a focus on indigenous planting where appropriate, including the use of indigenous canopy trees.

NILLUMBIK PLANNING SCHEME

5.0      Precinct provisions

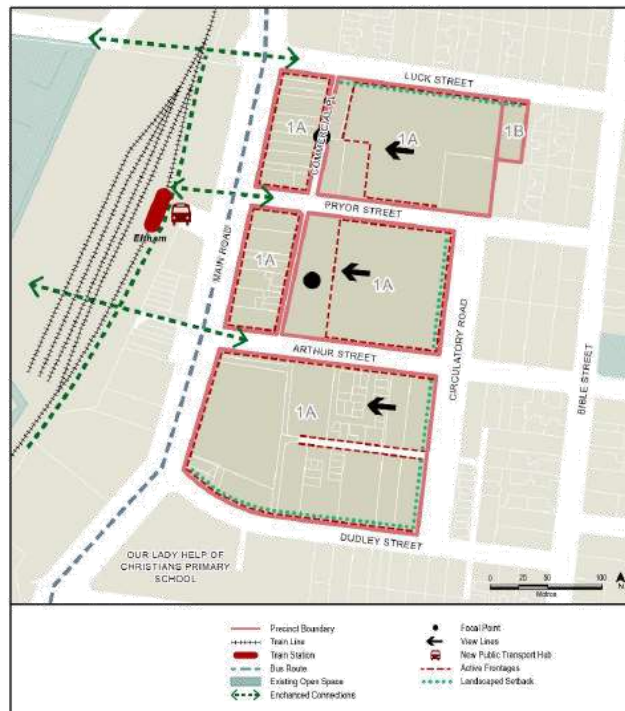
11/06/2016  
C106

5.1      Precinct 1 – Commercial Core

11/06/2016  
C106

5.1-1      Precinct map

11/06/2016  
C106



5.1-2      Precinct objectives

11/06/2016  
C106

- To create a lively and people-based commercial centre with the town square and Commercial Place forming a 'food precinct', a place to meet, rest, eat and play.
- To promote active street frontages.
- To provide a safe, attractive and convenient commercial centre.
- To encourage buildings that present a cohesive appearance which relates to the current modest scale of the precinct, emphasises key entrances to the town centre and reflects the Eltham form and character.
- To promote active and accessible street frontages, and ensure that streets throughout the area will be a focus for pedestrian activity and the buildings will relate positively to the public realm.

NILLUMBİK PLANNING SCHEME

- To provide and improve pedestrian linkages throughout the precinct, particularly:
  - between the Town Square and Main Road.
  - across Main Road to the train station.
  - in the 'pedestrian priority area' of the commercial core where there are various accessible seating options.
- To ensure that new development does not unreasonably interrupt the canopy ridge line of Eltham and views available to the west.
- To ensure the precinct is one of the preferred locations in the Activity Centre for one or more employment anchors.
- To create more employment opportunities by intensifying and expanding the range of commercial and retail activity, including office development, retail, dining and entertainment, and night time activities.
- To encourage mixed use developments with office and residential uses at the upper levels.
- To create a transition in uses and built form scale between the town centre and the nearby residential precinct.
- To maintain appropriate levels of solar access to existing and proposed public spaces.
- To encourage traffic calming measures on the precinct's local road network, including to Main Road to improve conditions for pedestrians and cyclists.

5.1-3  
11/09/2016  
C106

**Precinct Requirements**

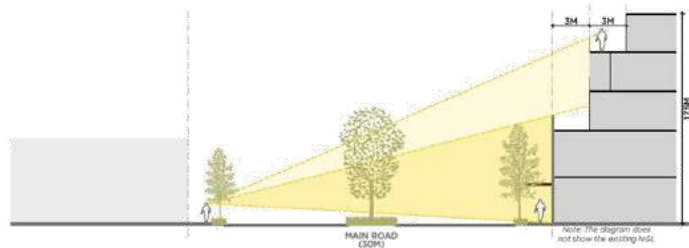
| Sub-precinct | Discretionary height (excluding basement) | Mandatory height (excluding basement) | Preferred Minimum Setbacks  |
|--------------|---|---------------------------------------|---|
| 1A           | 5 storeys (17.5m).                        | None specified.                       | <p>2 storey street wall with 0m front setback along Main Road, Pryor Street, Commercial Place, and Arthur Street.</p> <p>2 storey street wall with 3m front setback along Luck Street, Dudley Street, and Circulatory Road.</p> <p>Landscaped setback along Luck Street, Dudley Street, and Circulatory Road.</p> <p>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.</p> |
| 1B           | 4 storeys (14m).                          | None specified.                       | <p>2 storey street wall with 5.5m front setback along Luck Street.</p> <p>Landscaped setback along Luck Street.</p> <p>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.</p>   |

**Commented [PF17]:** The existing ACZ1 schedule sets a mandatory requirement for a top storey to be in the roof in much of the Eltham Town Centre (Precincts 1-4 in the existing ACZ1). Any such requirement has been removed from the proposed ACZ1 schedule. This is in line with a recommendation of the 2020 structure plan.

**Commented [PF18]:** For each precinct greater guidance is given regarding preferred minimum setbacks, reflecting the detail on this matter within the 2020 structure plan.

NILLUMBIK PLANNING SCHEME

- The preferred built form character for Precinct 1 includes a 2 storey street wall, with levels above setback to reduce their visibility from the public realm. Section Diagram 1 (below) shows indicative minimum setbacks along Main Road.



Section Diagram 1: Indicative minimum setbacks along Main Road in Precinct 1

5.1.4  
11/09/2016  
C106

**Precinct guidelines**

- Encourage retail development in Pryor Street, Commercial Place, Arthur Street and Dudley Street.
- Encourage restaurants and active uses near the Town Square and on Commercial Place between Luck and Pryor Streets.
- Encourage the development of offices throughout the precinct, particularly on sites abutting the west side of the Circulatory Road.
- Blank walls and reflective glazing is to be avoided.
- New development should provide active frontages to the street at ground level including facade articulation, inclusion of windows, entries and verandahs.
- Encourage small shops and other retail activities at ground level.
- Encourage the creation of a new pedestrian link between the Town Square and Main Road by converting one of the retail premises fronting Main Road into an open plaza.
- Upper levels of new developments should be articulated with building recesses and balcony treatments.
- Continuous weather protection for pedestrians should be provided along the Main Road, Pryor Street, Arthur Street and Commercial Place building frontages, subject to protecting existing tree canopies.
- Buildings on the corners of Dudley Street and Main Road and Luck Street and Main Road should be of high architectural quality with expressed corner building forms to create a sense of entry into this precinct.
- Shade trees should be planted in at grade car parks offering greater than 10 car spaces.
- Buildings fronting Main Road, Pryor Street, Arthur Street and Commercial Place should:
  - Provide 65-80% clear glazing (non-reflective) between a height of 0.5m and 2.4m above the footpath offering unobstructed views into the building.
  - Provide pedestrian entries at least every 15m.

NILLUMBİK PLANNING SCHEME

- Utilise the front wall to provide informal bench seating (can be low window sills).
- Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.
- Medium density mixed-use developments should provide basement or podium car parking sleeved with other uses that provide active frontages.
- Buildings on corner allotments should address both street frontages with commercial/ shop front windows at street level.
- Design new buildings with the ground floor located responding to the natural ground level (NGL) to promote a strong connection with the public street space and ensure access to all.
- The scale of built form in Commercial Place should respond to the narrowness of the street ensuring upper levels are sufficiently setback.
- Redevelopment of properties fronting Main Road between Arthur Street and Luck Street will require basement access from the side street, rather than Commercial Place.
- The building materiality should consist of a mix of timber, stone, mudbrick (or textured render), steel, glass and other natural materials and colours that are in character with the natural environment/ vegetation. The palette of materials may also include recycled, recyclable and/ or renewable materials and elements.

**5.1-5      Any other requirements**

- Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.



NILLUMBIK PLANNING SCHEME

**5.2      Precinct 2 – Residential Interface**  
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C106

**5.2.1      Precinct map**  
11/08/2016  
C106



**5.2.2      Precinct objectives**  
11/08/2016  
C106

- Encourage medium density housing, while also providing some small to medium scale office use.
- To provide a transition in built form scale between the core commercial area and adjoining residential areas.
- To ensure non-residential development is consistent with the preferred residential character and role of the precinct.
- To encourage landscaping in the front, side and rear setbacks.
- To protect and enhance the amenity within the Activity Centre and surrounding established residential neighbourhoods. For example, by providing significant use of landscaping, including canopy trees and well vegetated setbacks.



NILLUMBİK PLANNING SCHEME

- To ensure development adequately responds to flooding constraints at the northern end of the precinct (identified by application of the Special Building Overlay).

5.2-3  
11/06/2016  
C106

Precinct requirements

| Sub-precinct | Discretionary height (excluding basement) | Mandatory height (excluding basement) | Preferred Minimum Setbacks   |
|--------------|---|---------------------------------------|--|
| 2A           | None specified.                           | 3 storeys (10.5m).                    | <p>2 storey street wall with 5.5m front setback along all street frontages.</p> <p>Landscaped setback along all street frontages.</p> <p>Minimum 4m side setbacks to allow for landscaping including trees that contribute to the landscape character.</p> <p>Minimum 7m rear setback to respond to the existing backyard character.</p> <p>A 3m upper setback above the 2 storey street wall.</p>   |
| 2B           | 4 storeys (14m).                          | None specified.                       | <p>2 storey street wall with 5.5m front setback along all street frontages.</p> <p>Landscaped setback along all street frontages.</p> <p>Minimum 4m side setbacks to allow for landscaping including trees that contribute to the landscape character.</p> <p>Minimum 7m rear setback to respond to the existing backyard character.</p> <p>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.</p> |

**Commented [PF19]:** An example of how additional guidance and preferences for landscaped setbacks is articulated in this proposed schedule to the ACZ1.

5.2-4  
11/06/2016  
C106

Precinct guidelines

- Use and development of non-residential uses should:
  - be compatible with surrounding residential use, scale and intensity
  - generally serve local community needs
  - reflect the pattern of existing building siting and massing within the precinct.
- Consideration will be given to increased residential density on sites with larger footprints of 1500 square metres or greater, on which development should be designed with split levels to respond to the natural topography.
- Main pedestrian entrances should be clearly legible from the street and demarcated with strong architectural and landscape features including wayfinding signage.

NILLUMBIK PLANNING SCHEME

- New development should appear to have domestic quality and respond to the treed residential character of the area through appropriate building siting that allows for provision for open landscaped front yards, canopy tree planting, and avoiding high solid fencing.
- Developments sited alongside boundaries should be massed in a staggered manner to avoid overlooking of adjacent properties and reduce overshadowing impacts.
- Building siting should provide the opportunity for open space areas and allow for canopy tree landscaping to be integrated with the total development.
- On-site car parking should be sited underground, or alternatively to the side and rear of dwellings to minimise visibility from the public realm.
- Crossovers and driveways to access car parking garages from the front should be limited.
- Building materiality should consist of a selection of timber, stone, mudbrick, galvanised corrugated sheet metal and other natural materials and colours that are in character with the natural environment/ vegetation. The palette of materials may also include recycled, recyclable and/ or renewable materials and elements.

**5.2-5      Any other requirements**

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

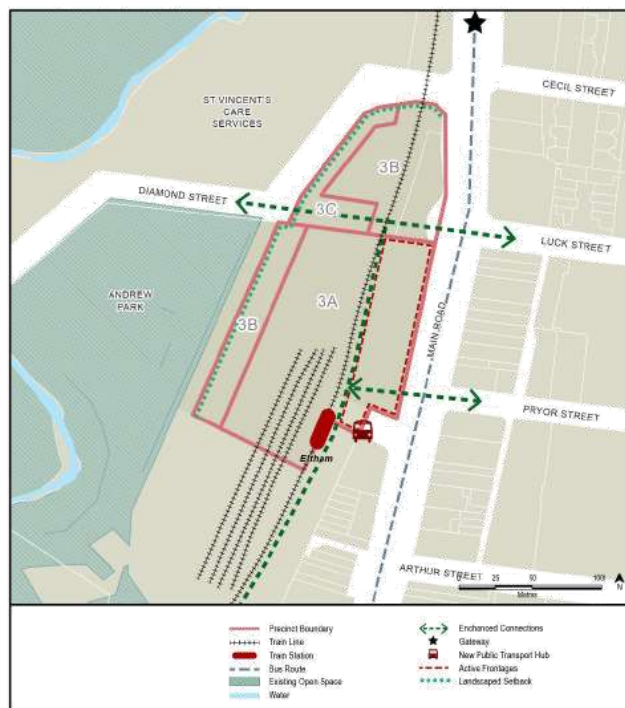
NILLUMBIK PLANNING SCHEME

5.3      **Precinct 3 – Transport**

11/08/2016  
C106

5.3-1      **Precinct map**

11/08/2016  
C106



5.3-2      **Precinct objectives**

11/08/2016  
C106

- To encourage improved public transport services through progressive upgrades of Eltham Station and the Hurstbridge line, and provide adequate commuter parking.
- To facilitate the development of a new public transport hub (railway station and bus interchange).
- To encourage the creation of safe and convenient access along active edges fronting Main Road and on key edges of the public transport interchange, and to the community facilities to the south and nearby sporting facilities.
- To ensure the strong presence of native canopy trees will be maintained through careful siting and design of development.

NILLUMBİK PLANNING SCHEME

- To promote the role of the station as a sustainable transport hub, to provide for improved pedestrian, cycle and public transport connections and facilities.
- To encourage for removal of the level crossing to create better pedestrian and cyclist connectivity between the eastern and western sides of the rail line and Main Road, and improve the centre's walkable catchment.
- To encourage traffic calming measures on Main Road to improve conditions for pedestrians and cyclists on Main Road, while appropriately maintaining traffic flow.
- To encourage car parking in basements or alternatively, with limited views from the public realm.
- To improve car park management and design by providing landscaping, high levels of accessibility, safe pedestrian connections and by ensuring car parking structures are not visually dominating.
- To encourage transit oriented development (TOD) including integrated residential, retail and office.

5.3-3  
11/06/2016  
C106

**Precinct requirements**

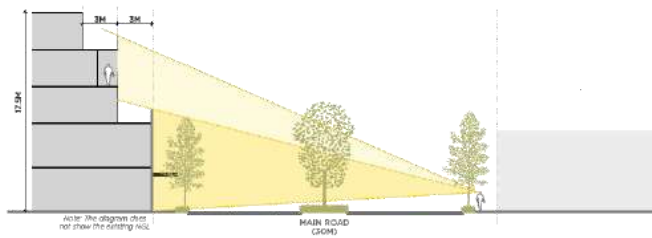
| Sub-precinct | Discretionary height (excluding basement) | Mandatory height (excluding basement) | Preferred Minimum Setbacks   |
|--------------|---|---------------------------------------|--|
| 3A           | 5 storeys (17.5m).                        | None specified.                       | 2 storey street wall with 0m front setback front setback along Main Road.<br><br>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.  |
| 3B           | 4 storeys (14m).                          | None specified.                       | 2 storey street wall with 0m front setback front setback along Main Road.<br><br>2 storey street wall with 5.5m front setback along Youth Road<br><br>Landscaped setback along north eastern edge along Main Road frontage, and along Youth Road frontage.<br><br>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey. |
| 3C           | None specified.                           | 3 storeys (10.5m).                    | 2 storey street wall with 5.5m front setback along Youth Road and Diamond Street.<br><br>Landscaped setback along Youth Road and Diamond Street frontage.<br><br>A 3m upper setback above the 2 storey street wall.  |

**Commented [PF20]:** The proposed ACZ1 schedule provides for some additional building height within the station precinct, which includes land in Precinct 3 and land in Precinct 5, as defined in the proposed schedule and the Eltham MAC Structure Plan (2020). This is in accordance with the recommended changes to height limits that are detailed on pages 95-96 of the Structure Plan.

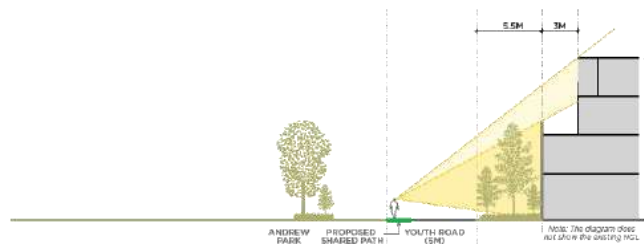
- The preferred built form character for Precinct 3 includes a 2 storey street wall, with levels above setback to reduce their visibility from the public realm. Section Diagrams

#### NILLUMBIK PLANNING SCHEME

2 and 3 (below) show indicative minimum setbacks along Main Road and at Youth Road.



Section Diagram 2: Indicative minimum setbacks at Main Road in Precinct 3



Section Diagram 3: Indicative minimum setbacks at Youth Road in Precinct 3

#### 5.3-4

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C106

#### Precinct guidelines

- Ensure that future use and development maintains and enhances the functionality of the precinct as a public transport hub, and accommodates the anticipated growth in demand for public transport services and the corresponding need to upgrade the Eltham Station and Hurstbridge line.
- Subject to the use and anticipated further development of Precinct 3 for public transport infrastructure and provision of adequate commuter car parking:
  - Encourage mixed-use developments (any combination of retail, office and car parking) with active frontages on land between Main Road and the railway line, including land in front of the railway station and bus interchange, and with convenient access to nearby sporting facilities and community facilities.
  - Encourage a mix of residential, office and car parking uses on land between the railway line and Youth Road.
- Built form should present an attractive and articulated façade to provide visual interest.
- Buildings should be designed with active frontages (greater than 60% non-reflective glazing) at ground level to provide a safe and lively environment.
- Development fronting Youth Road and Diamond Street should have landscaped front building setbacks.
- Development should incorporate existing large native trees where possible.

NILLUMBIK PLANNING SCHEME

- New developments should incorporate feature architectural or landscape features at exposed locations as viewed from Main Road and axial views available from east-west running streets, namely Luck Street, Pryor Street and Diamond Street.
- Developments to the western side of the railway line should provide a transition with community uses along Diamond Street and Youth Road.
- The design of any buildings backing onto the railway line and the train station car park should present interesting façade treatments, allow for passive surveillance and incorporate vegetative or architectural screening devices.
- Where relevant, new development should incorporate acoustic treatments responding to the railway environment to minimise adverse amenity impacts.
- Car parking entryways should be located to the edge of sites, shared with other car parking entries.
- Redevelopment of existing at-grade car parking (e.g. for mixed use development) should deck any commuter parking into the building or sleeved with other uses that provides active frontages, or passive surveillance at a minimum
- Support the preferred character and optimise passive surveillance by minimising the use of roller shutters.

**5.3-5      Any other requirements**

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

## NILLUMBIK PLANNING SCHEME

## 5.4

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C106

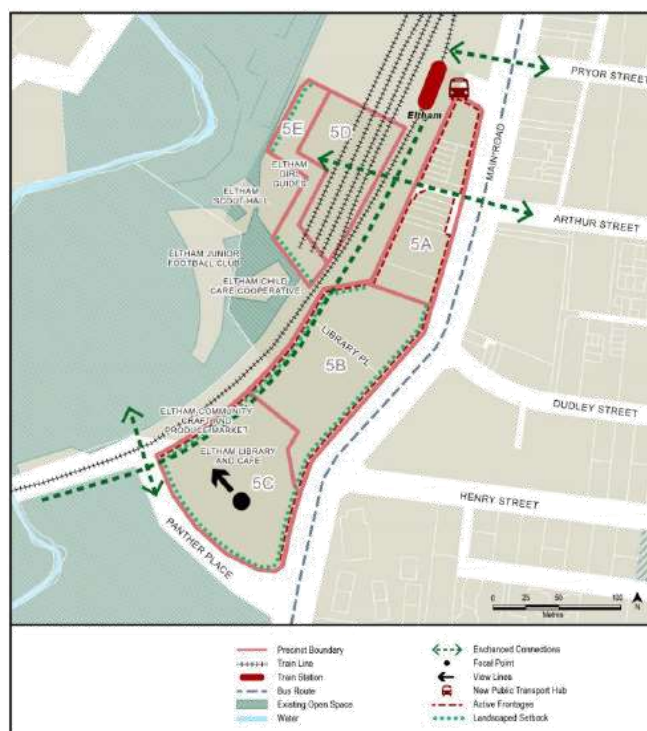
## 5.4-1

11/08/2016  
C106

**Precinct 5 – Community Precinct**

### Precinct map

**Commented [PF21]:** The number of this Precinct has been updated from 4 to 5.



## 5.4-2

11/05/2016  
C106

### Precinct objectives

- To create an active, vibrant heart for the Eltham Activity Centre by providing a range of community, residential and professional services.
- On land within Precinct 5A and 5D encourage:
  - mixed use development (any combination of retail, office, medium density housing and community services)
  - active frontages to Main Road and the railway line by providing either retail or office uses on the ground floor.
- To encourage an activated pedestrian environment to the rear of Main Road buildings to provide safe and convenient access between the community facilities to the south and the public transport facilities.



NILLUMBİK PLANNING SCHEME

- To ensure that development is designed to provide passive observation of the car park beside the railway line.
- To encourage a new landmark/iconic building at the former Eltham Shire Office site at 895 Main Road.
- To promote the consolidation of community halls along Youth Road.
- To ensure buildings transition in height and scale from the north end of the precinct to the Eltham Library.
- To ensure buildings are of a high quality design, with a commitment to universal access for everyone.
- To be the preferred location for one or more major employment anchors to support local non-tradeable activity (e.g. health, education or civic).
- To reimagine and reconnect community uses.
- To improve pedestrian and cycling amenity between the precinct and the train station.
- To provide a multi-purpose Community Hub.

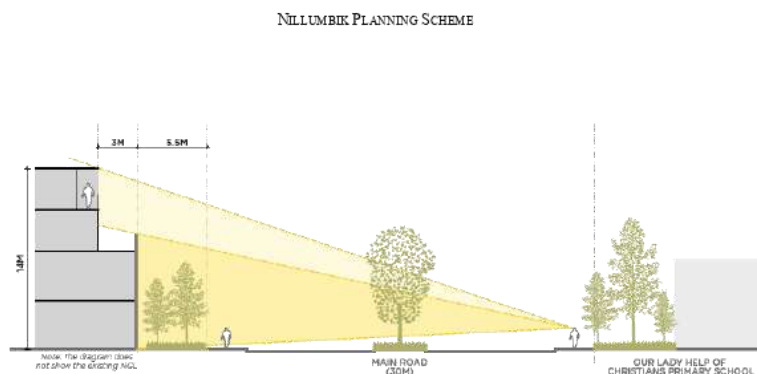
5.4-3  
11/05/2016  
C106

**Precinct requirements**

| Sub-precinct | Discretionary height (excluding basement) | Mandatory height (excluding basement) | Preferred Minimum Setbacks  |
|--------------|---|---------------------------------------|---|
| 5A and 5D    | 5 storeys (17.5m).                        | None specified.                       | 2 storey street wall with 0m front setback along Main Road frontage.<br>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.  |
| 5B and 5E    | 4 storeys (14m).                          | None specified.                       | 2 storey street wall with 5.5m front setback along Main Road frontage.<br>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.<br>Landscaped setback along frontages. |
| 5C           | None specified.                           | 3 storeys (10.5m)                     | 2 storey street wall with 5.5m front setback along Main Road frontage.<br>A 3m upper setback above the 2 storey street wall.<br>Landscaped setback along frontages.   |

- The preferred built form character for Precinct 5 includes a 2 storey street wall, with levels above setback to reduce their visibility from the public realm. Section Diagram 4 (below) shows indicative minimum setbacks along Main Road. The setbacks will be varied as required to respond to community assets and heritage values (e.g. heritage cypress trees and cenotaph precinct).

**Commented [PF22]:** The proposed ACZ1 schedule provides for some additional building height within the station precinct, which includes land in Precinct 3 and land in Precinct 5, as defined in the proposed schedule and the Eltham MAC Structure Plan 2020. This is in accordance with the recommended changes to height limits detailed on pages 95-96 of the Structure Plan.



#### 5.4.4 Precinct guidelines

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- Development fronting to Main Road and the railway line should provide safe and convenient access to the adjacent public transport facilities.
- Buildings fronting Main Road including and to the north of 909 Main Road should:
  - Include mixed use development (any combination of retail, office, medium density housing and community services).
  - Be designed with active frontages to the street at ground level including facade articulation, inclusions of windows and entries.
  - Provide 65-80% clear glazing (non-reflective) between a height of 0.5m and 2.4m above the footpath offering unobstructed views into the building.
  - Provide pedestrian entries at least every 15m.
  - Provide continuous weather protection (such as cantilevered canopies/verandahs) over footpaths.
  - Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.
  - Provide upper levels that are articulated with building recesses and balcony treatments.
- Investigate opportunities north of 903-907 Main Road to:
  - redevelop indented car parking to support a more active and engaging pedestrian environment.
  - create an engaging pedestrian zone in St Laurence Lane.

The above investigations should particularly be conducted as part of any redevelopment of adjacent sites.
- Development to the south of 909 Main Road (including the former Eltham Shire Office site) should include landscaped front setbacks and retain established vegetation.
- Development on the former Eltham Shire Office site (895 Main Road) should provide a boundary treatment and interface with the Eltham Library site which is sympathetic and responsive to that site.
- Development on the former Eltham Shire Office site should maintain generous landscaped setbacks from the street and retain established vegetation, including the heritage nominated Italian Cypress trees.

NILLUMBİK PLANNING SCHEME

- Development backing onto the railway car park should provide internal pedestrian connections through to Main Road.
- Development fronting Library Place and the car park should include active frontages.
- Development adjacent to the Eltham Girl Guide Hall (Youth Road) should manage the sensitive interface by:
  - Providing a minimum 4.0m side setback to allow for small, slender trees that contribute to the landscape character. Any part of the building above 2 storeys should setback beyond a 45 degree plane from the sides of the level below.
  - Complying with the rear setback requirements outlined in the Part 4.4 of this schedule.
- Development backing onto the railway line and station should provide for a variation and articulation in façade treatments and allow for passive surveillance by incorporating active areas and glazing to the rear wall facing the railway line and car park.
- Thick and robust building elements such as colonnades should be incorporated into the design of new buildings.
- Service areas and car parking should be located at the rear of buildings or serviced from laneways and concealed from the public realm.
- Avoid the excessive use of roller shutters.
- Where relevant, new development should incorporate acoustic treatments responding to the railway environment to minimise adverse amenity impacts.
- Built form should achieve a general stepping of the building in a westerly direction from the high point along Main Road.
- Development should respect and respond to heritage elements within the precinct.

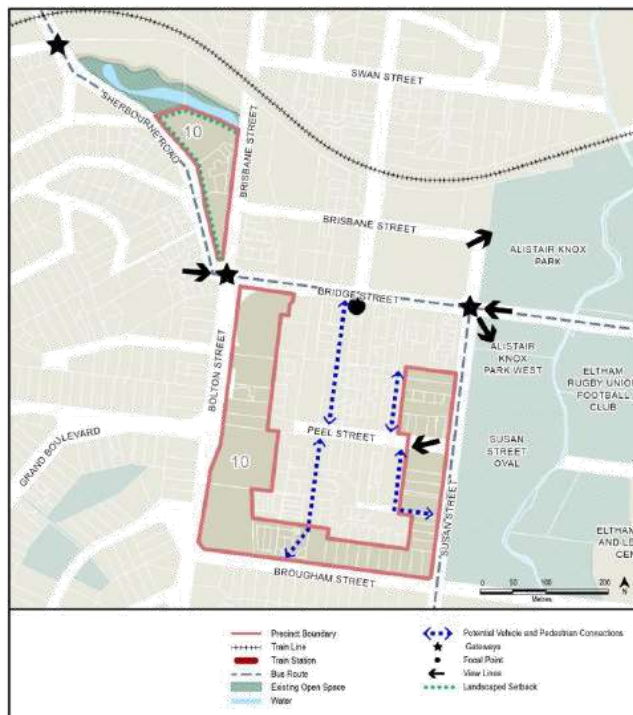
**5.4-5      Any other requirements**

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

NILLUMBIK PLANNING SCHEME

5.5      **Precinct 10 – Peripheral Mixed Use**

5.5.1      **Precinct map**



5.6.2      **Precinct objectives**

- To support medium and small scale offices and indoor recreation/health facilities supported by limited retail and food premises.
- Provide a wide range of employment opportunities and services to local residents.
- To encourage visually interesting built form and promote a positive image for both the BSBA and the broader Activity Centre.
- To minimise off-site amenity impacts to sensitive residential interfaces, such as on Brougham Street.

NILLUMBİK PLANNING SCHEME

5.5-3 Precinct requirements

| Precinct | Discretionary height (excluding basement) | Mandatory height (excluding basement) | Preferred Minimum Setbacks   |
|----------|---|---------------------------------------|--|
| 10       | 3 storeys (12m).                          | None specified.                       | <p>2 storey street wall height with:</p> <ul style="list-style-type: none"> <li>0m front setback along Brisbane Street and 5.5m setback from Sherbourne Road.</li> <li>4m front setback along Brougham Street and Bolton Street.</li> <li>0m along Susan Street.</li> </ul> <p>Landscaped setback along Sherbourne Street and railway frontage.</p> <p>A 3rd storey (and above) should be setback a 1:1 ratio from 2 storey street wall.</p> |

5.5-4 Precinct guidelines

- Buildings should be either at the street edge or have a shallow front setback (4.0-5.5m) to allow for some landscaping in response to adjacent residential character.
- There should be minimal gaps between adjacent buildings.
- Development should respond to the sloping topography to minimise the need for cut and fill.
- Retail frontages should incorporate:
  - 65-80% clear-glazing between a height of 0.5m and 2.4m above the footpath offering unobstructed views into the building;
  - pedestrian entries at least every 15m; and
  - footpath trading or outdoor dining where possible (taking care to avoid obstructing then footpath)
  - continuous weather protection (such as cantilevered canopies/ verandahs) over footpaths.
- Office frontages should incorporate:
  - 50-80% clear glazing between a height of 1m and 2.4m above the footpath, offering unobstructed views into the building; and
  - Pedestrian entries at least every 30m.

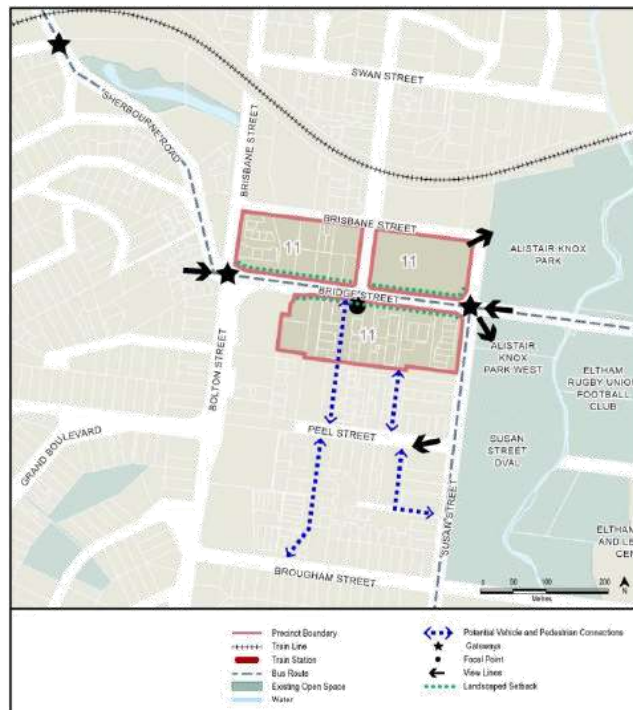
5.5-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

NILLUMBİK PLANNING SCHEME

5.6      **Precinct 11 – Restricted retail**

5.6-1      **Precinct map**



5.6-2      **Precinct objectives**

- Encourage the precinct to be the preferred location for restricted retailing.
- Provide a small civic space that is well connected to the balance of the Activity Centre.
- Recognise and improve Bridge Street as a significant Gateway to Eltham.
- Encourage high quality and visually interesting contemporary forms using materiality which reflect the grain and quality of traditional 'shed' forms as well as the township's bush character and landscape
- Establish a civic focal point opposite the T-intersection of Bridge Street and Silver Street.
- Encourage the urban form to emphasise key entrances, the civic focal point and intersections in the Centre.
- Create a safe pedestrian and cycle environment with reconfiguration of vehicle access and car parking along Bridge Street in an organised and continuous manner.

NILLUMBİK PLANNING SCHEME

- Encourage the use of environmentally sustainable design principles for the built form and surrounding land.

5.6-3 Precinct requirements

| Precinct | Discretionary height (excluding basement) | Mandatory height (excluding basement) | Preferred Minimum Setbacks  |
|----------|---|---------------------------------------|---|
| 11       | 4 storeys (16m)                           | None specified.                       | <p>2 storey street wall with:</p> <ul style="list-style-type: none"> <li>0m front setback along Bolton Street, Brisbane Street, Silver Street, and Susan Street.</li> <li>4m front setback from Bolton Street.</li> <li>0m front setback along Susan Street.</li> </ul> <p>3 storey street wall with 22m landscaped setback from Bridge Street.</p> <p>A 3rd storey (and above) should be setback a 1:1 ratio from the street wall.</p> |

5.6-4 Precinct guidelines

- Buildings fronting Bridge Street should be setback 22m which contains two facing rows of right-angle parking off a single access way, with landscaping separating the parking area and a pedestrian path on each side of the accessway.
- Frontages should incorporate:
  - 50-80% clear glazing between a height of 1m and 2.4m above the footpath, offering unobstructed views into the building;
  - Pedestrian entries at least every 30m; and
  - Provide continuous weather protection (such as cantilevered canopies/ verandahs) over footpaths.

5.6-5 Any other requirements

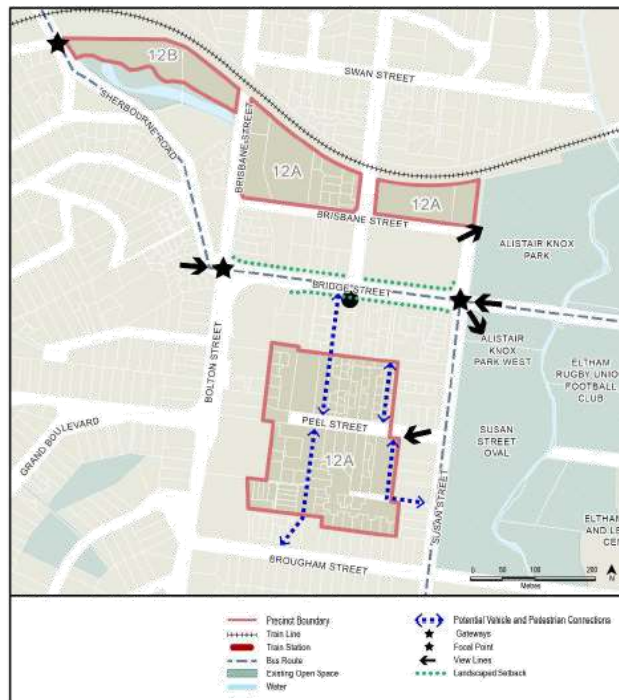
Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.



NILLUMBIK PLANNING SCHEME

5.7      **Precinct 12 – Industrial/Emergent**

5.7-1      **Precinct map**



5.7-2      **Precinct objectives**

- To continue to support light industrial uses, supported by emergent industries.
- To encourage ancillary office spaces with active uses and passive surveillance opportunities to the front of industrial sheds and warehouses.
- To encourage design and façade treatment which demarcates building entries.
- To avoid pedestrian and vehicle conflict by separating access points and ensuring that car parking does not impinge on or erode the quality of pedestrian areas.
- To encourage improvements to streets with provision of direct, connected and well maintained public footpaths which create an attractive environment for pedestrians.
- To encourage the use of environmentally sustainable design principles for the built form and surrounding land.

NILLUMBİK PLANNING SCHEME

5.7-3 Precinct requirements

| Precinct | Discretionary height (excluding basement) | Mandatory height (excluding basement) | Preferred Minimum Setbacks   |
|----------|---|---------------------------------------|--|
| 12A      | 3 storeys (12m)                           | None specified.                       | 2 storey street wall with 0m front setback from all street frontages.<br>A 3rd storey (and above) should be setback a 1:1 ratio from the 2 storey street wall. |
| 12B      | 4 storeys (16m)                           | None specified.                       |  |

5.7-4 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

6.0 Application requirements

None specified.

7.0 Notice and review

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An application to use land under Clause 37.08-2 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.

An application for buildings and works 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 if the development exceeds the 'Discretionary Height' or the 'Preferred Minimum Setbacks' specified in the relevant precinct requirements contained within this schedule.

To remove any doubt, where the preferred height limit is specified in both storeys and metres, if the proposal would exceed either of those figures, then the application 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.

8.0 Decision guidelines

11/08/2016  
C106

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

Design and built form

Whether the proposed development:

- Provides a high standard of urban design and well designed site responsive architecture.
- Does not present a blank façade to a pedestrian activity area or street.
- Provides for appropriate setbacks which respect the siting of adjacent developments where the schedule promotes landscaped setbacks to the street frontage.

NILLUMBİK PLANNING SCHEME

- Incorporates any signs as an integral part of the architecture. The construction and design of signs should be of a high quality and should maintain and enhance the Eltham form and character.

**Access**

Whether the proposed development limits the number of vehicle crossings to each development.

**Subdivision**

Whether the subdivision is associated with a development proposal that supports the objectives promoted by this Schedule.

9.0  
11/05/2016  
C106

**Advertising signs**

Advertising sign requirements are at Clause 52.05. All land located within Precinct 2 is in Category 3 and all land within Precincts 5B, 5C are in Category 4. All remaining land is in Category 1.

10.0  
11/05/2016  
C106

**Reference documents**

*Eltham Major Activity Centre Structure Plan, July 2020*

*Eltham Major Activity Centre Car Parking Strategy Report, 2013*

*Nillumbik Major Activity Centres Sustainable Transport Study and Strategy, 2010*

**Commented [PF23]:** The list of reference documents has been updated. Further, the list has been shortened, noting further guidance is provided within the schedule, rather than relying on reference documents to do this. The latter approach can create problems for Council's ability to defend its decision at VCAT.

NILLUMBIK PLANNING SCHEME

07/02/2019  
C1 16 n III

**SCHEDULE 2 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE**

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

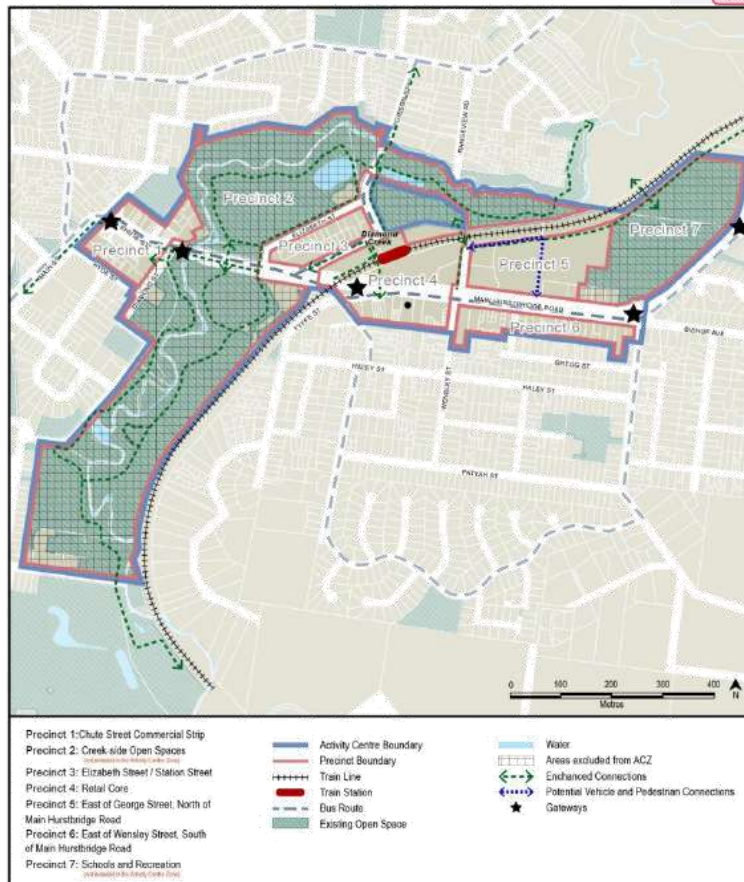
**DIAMOND CREEK ACTIVITY CENTRE**

1.0

**Diamond Creek Activity Centre Framework Plan**

**Commented [PF1]:** New framework plan to include minor updates to the MAC e.g. to update precinct numbering.

11/06/2016  
C106



NILLUMBIK PLANNING SCHEME

2.0 Land use and development objectives to be achieved

Land use

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C106

■ To achieve the vision, objectives and strategies of the Diamond Creek Major Activity Centre Structure Plan (September 2020).

Commented [PF2]: Updated throughout to refer to the 2020 structure plan

- To develop shopping, services, facilities, employment and meeting places which complement those available in the regional network of activity centres and facilities.
- To expand employment floor-space, particularly emergent industries, to meet an increased proportion of projected demand and reduce 'escape expenditure' and travel to nearby centres.
- To focus retail activity in a compact core east of the railway, on the 'landscaped civic spine' of Main Hurstbridge Road, with a retail node in Chute Street.
- To enable employment anchors in the Diamond Creek Activity Centre, particularly in the civic or health sectors.
- To provide accessible and affordable housing options close to public transport.
- To improve access to and integrate greater diversity and density of retail, commercial and housing development with the railway station and its surrounds.

Built form and character

- To retain the semi-rural township character of Diamond Creek by clustering new development and activity in existing key locations that remain visually segregated by open spaces and vegetation.
- To develop a local Diamond Creek architectural style that complements and reflects its natural landscape setting, and ensure new or redeveloped buildings are of high architectural quality appropriate to the character of the centre.
- To design new buildings with well articulated facades and a fine grain to provide interest at street level and reinforce the human scale of shopping areas.
- To guide development to meet the township's character and natural landscape setting with architectural design, and medium scale buildings that are respectful to existing buildings, materials that complement the setting and a treed landscape of predominantly local indigenous trees.
- To maintain appropriate levels of solar access to existing and proposed public spaces.
- To protect and enhance the amenity within the Activity Centre and surrounding established residential neighbourhoods and ensure new development mitigates detrimental offsite amenity impacts.
- To avoid underdevelopment of land within the activity centre.
- To increase activity and passive surveillance in the main retail and mixed use areas.
- To reduce the visual dominance of car parking and ensure the design of parking and access areas is safe, practical and attractive.
- To ensure that pedestrian routes, streets, footpaths and open spaces interact with and are overlooked by buildings, and for these routes to be continuously accessible.

Environmental sustainability

- To improve the ecological integrity of environmental features within the centre.
- To promote sustainable development including water sensitive urban design.
- To establish energy efficient developments that are appropriate to local conditions.

Movement and access

#### NILLUMBIK PLANNING SCHEME

- To optimise the potential to reduce car dependency within the community by developing a network of local and regional shared paths for recreational and functional use, and by encouraging upgrades to the railway station and Hurstbridge line to increase the frequency of public transport services.
- To create better pedestrian and cyclist connectivity through the centre, including across the railway line, while protecting the opportunity for the removal of the level crossing.
- To improve car park management and design and improve pedestrian connectivity, safety and amenity through existing at grade car parks.
- To establish the commercial and retail precincts of the township as 'pedestrian priority areas'.
- To improve access to the Activity Centre for all modes of travel, link the precincts of the Activity Centre physically with clear pedestrian/cycle paths and visually with landscape treatments.
- To expand the range of public transport linking the centre and the role of the railway station as a multi-modal interchange.
- To encourage traffic calming measures to Main Hurstbridge Road to improve conditions for pedestrians and cyclists.

#### Landscape and place activation

- To promote the creation of a public space/plaza in the retail core of the Activity Centre.
- To develop more attractive public spaces to enhance social interaction and the image of the Activity Centre.
- To incorporate references to European and indigenous heritage in the landscape and use art in public spaces.
- To retain and develop the open spaces within the Activity Centre and the links to parkland and to create a 'landscaped civic spine' along Main Hurstbridge Road as a key connecting feature of the Activity Centre.
- To ensure that the front, side and rear setbacks of development sites are extensively and effectively landscaped with canopy trees and other vegetation, particularly indigenous where appropriate.
- To maintain the visual dominance of the well vegetated natural landscape throughout the residential, commercial and open space areas of Diamond Creek.
- To use vegetation to mitigate against the heat-island effect within the centre, particularly in key public areas.

#### Community and leisure

- To provide for a network of spaces and facilities to meet projected community needs.
- To ensure community and leisure facilities are accessible to everyone, regardless of age or ability.
- To provide a multi-purpose community facility in the Activity Centre.
- To facilitate the location of a civic building (Council Offices or the like) within the Activity Centre.

#### Land configuration and ownership

- To discourage subdivision that fragments existing land holdings and reduces development opportunities and active frontages.
- To encourage the consolidation of land to create lots of a size sufficient to accommodate the visual and amenity impacts associated with more intense development.

**Commented [PF3]:** This and certain other changes are designed to articulate and/or support the need to plant good shade providing trees to combat urban heating particularly in public areas, whilst still promoting a preference for indigenous vegetation in the MAC.



## NILLUMBİK PLANNING SCHEME

3.0

07/02/2019  
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## Table of uses

## Section 1 - Permit not required

| Use  | Condition   |
|--|---|
| Accommodation (other than<br>Corrective institution,<br>Dependent person's unit,<br>Dwelling, Residential aged<br>care facility) | Must be in Precinct 1, 3A, 4 or 6.<br><br>In Precinct 1, 3A or 4, any frontage at ground floor level<br>must not exceed 2 metres.   |
| Bed and breakfast  | Must be in Precinct 1, 3A, 4 or 6. No more than 10<br>persons may be accommodated away from their normal<br>place of residence. At least 1 car parking space must be<br>provided for each 2 persons able to be accommodated<br>away from their normal place of residence.   |
| Convenience shop   | Must be in Precinct 1, 3, 4 or 5.<br><br>In Precinct 1B, the leasable floor area must not exceed<br>150 square metres.  |
| Food and drink premises<br>(other than Convenience<br>restaurant, Hotel)   | Must be in Precinct 1B, 3A or 4.<br><br>In Precinct 1B, the leasable floor area must not exceed<br>150 square metres.   |
| Home occupation  |   |
| Informal outdoor recreation  |   |
| Medical centre   | Must be in Precinct 1, 3A, 4 or 6.<br><br>The gross floor area of all buildings must not exceed 250<br>square metres.<br><br>In Precinct 1, 4 and 6:<br><ul style="list-style-type: none"> <li>site must adjoin or have access to a road in a Road<br/>Zone</li> <li>must not require permit under clause 52.06-3.</li> </ul> |
| Minor utility installation   |   |
| Office (other than Medical<br>centre)  | Must be in Precinct 1B, 3A, 4A and 4C. In Precinct 1B,<br>the leasable floor area must not exceed 250 square<br>metres.   |
| Place of worship   | Must be in Precinct 1, 3A, 4 or 6.<br><br>The gross floor area of all buildings must not exceed 250<br>square metres.<br><br>The site must adjoin or have access to a road in a Road<br>Zone.   |
| Railway  |   |

**Commented [PF4]:** A range of changes are proposed to the existing table of uses and each change is typically for one or more of the following reasons:

1. To update the number of precincts to be consistent with the new numbering contained within the 2020 structure plan.
2. To update the table of uses to be consistent with the required format and style of planning schemes. For example, to update particular land use terms and planning scheme clauses referred to in conditions.
3. To address inconsistencies and issues that were created by the existing ACZ2 schedule having been created as a direct translation of the previous VPP zones (e.g. C1Z and RGZ). Some examples of proposed changes in relation to this matter are:
  - a) Removing certain uses listed only because they were listed in a translated VPP and which otherwise are not necessary to be listed in the ACZ1 Schedule. Examples of uses removed from the proposed table for this reason are "Tramway", "Saleyard" and "Horse Stables"
  - b) Making modifications to better reflect the outcomes sought by the structure plan, rather than the blunt, generic condition taken earlier from a VPP. For example, to remove the capacity, translated from the C1Z, for a cinema based entertainment facility to establish without a planning permit in key parts of the MAC.
  - c) Correcting any errors found in the earlier translation.

Further explanation for some of the proposed settings in the table of uses are provided in the comments below.

**Commented [PF5]:** Updates the condition to reflect new sub-precinct boundaries



NILLUMBIK PLANNING SCHEME

| Use   | Condition  |
|---|--|
| Railway station   | Must be in Precinct 4B or 4C.<br><br>The total leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 50 square metres.   |
| Residential aged care facility  | Must be in Precinct 1, 3A, 4 or 6.<br><br>Any frontage at ground level must not exceed 2 metres.   |
| Restricted retail premises  | Must be in Precinct 3, 4C or 5.  |
| Retail premises (other than Shop, Food and drink premises)  | Must be in Precinct 1, 3A, 4 or 5.   |
| Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises, Supermarket) | Must be in Precinct 1, 3A, 4 or 5.   |
| Any use listed in Clause 62.01  | Must meet requirements of Clause 62.01.  |
| <b>Section 2 - Permit required</b>  |  |
| Use   | Condition  |
| Accommodation (other than Caretaker's house)  | Must be in Precinct 1, 3A, 4 or 6.   |
| Adult sex product shop  | Must be in Precinct 1B, 3A, 4 or 5A.<br><br>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 6, 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. |
| Amusement parlour   |  |
| Brothel   | Must be in Precinct 3B, 3C or 5.<br><br>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 6, 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.     |

NILLUMBIK PLANNING SCHEME

| Use   | Condition  |
|---|--|
| Car park  | In Precinct 1A or 6 must be used in conjunction with another use in Section 1 or 2.            |
| Car wash  | In Precinct 1B, 4B or 6 the site must adjoin or have access to a road in a Road Zone.          |
| Childcare centre  |  |
| Cinema  | Must be in Precinct 1B, 3, 4 or 5.   |
| Cinema based entertainment facility   |  |
| Convenience restaurant  | The site must adjoin or have access to road in Road Zone.                                      |
| Education centre  | In Precinct 3B, 3C or 5 must not be a Primary or Secondary school.                             |
| Exhibition centre   |  |
| Food and drink premises (other than Convenience restaurant, Take away food premises)  |  |
| Hospital  | Must be in Precinct 3, 4 or 5.   |
| Industry (other than Car wash, Transfer station)  | Must be in Precinct 3B, 3C or 5.<br>Must not be a purpose listed in the table to Clause 53.10. |
| Leisure and recreation (other than Informal outdoor recreation, Motor racing track)   |  |
| Nightclub   | Must be in Precinct 1B, 3, 4 or 5.   |
| Place of assembly (other than Amusement parlour, Cinema, Cinema based entertainment facility, Exhibition centre, Nightclub, Place of worship) |  |
| Plant nursery   |  |
| Restricted retail premises  | Must be in Precinct 1, 3, 4 or 5.  |

**Commented [PF6]:** The condition is more broadly applied to protect the amenity of the centre, while still adequately providing for the use.

NILLUMBIK PLANNING SCHEME

| Use   | Condition   |
|---|---|
| Retail premises (other than Food and drink premises, Shop, Plant nursery)                 |   |
| Service station   | Must be in Precinct 5B  |
| Shop (other than Adult sex product shop, Restricted retail premises, Supermarket)         |   |
| Store   |   |
| Supermarket   | Must be in Precinct 1B, 3A, 4 or 5.   |
| Take away food premises   | Must be in Precinct 1B, 3A, 4 or 5.   |
| Utility installation (other than Minor utility installation, Telecommunications facility) |   |
| Warehouse (other than Mail centre, Store)   | Must be in Precinct 3 or 5.<br>Must not be for a purpose listed in table to Clause 53.10. |
| Any other use not in Section 1 or 3   |   |
| Section 3 – Prohibited  |   |
| Use   |   |
| Corrective institution  |   |
| Intensive animal husbandry  |   |
| Motor racing track  |   |

Commented [PF7]: Restricts the use to a suitable location

4.0  
11/05/2016  
C106

Centre-wide provisions

4.1  
11/05/2016  
C106

Use of land

A permit is not required to use land for the purpose of local government, recreation, education, transport, police or health providing the use is undertaken by, or on behalf of, the public land manager.

Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.

#### NILLUMBIK PLANNING SCHEME

- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- 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 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- 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.

#### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on nearby industries.

#### 4.2

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C106

#### Subdivision

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses in the following table.

| Class of subdivision | Objectives and standards to be met |
|----------------------|------------------------------------|
| 60 or more lots      | All except Clause 56.03-5.         |

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| Class of subdivision | Objectives and standards to be met  |
|----------------------|---|
| 16-59 lots           | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.                |
| 3-15 lots            | All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3, 56.06-6. |
| 2 lots               | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.08 to 56.09-2.                       |

#### 4.3 Buildings and works

11/08/2016  
C106

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

No permit is required for:

- The installation of an automatic teller machine unless it occupies more than 10% of the frontage.
- Alter an existing commercial building façade, provided that:
  - the alteration does not include installation of an external roller shutter;
  - at least 80 per cent of the building façade at ground floor is maintained as an entry or window with clear glazing.
- Construct an awning that projects over a road if it is authorised by the relevant public land manager.

#### Construction and extension of one dwelling on a lot

In Precincts 1A and 6, a permit is not required to:

- Construct or extend one dwelling on a lot of more than 300 square metres and not on common property.
- Construct or carry out works normal to a dwelling.
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than three metres above ground level.
- Construct one dependent person's unit on a lot.
- A development must meet the requirements of Clause 54, unless otherwise stated in this Schedule.

#### Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

In Precinct 1A and 6:

- A permit is not required to construct a front fence within three metres of a street associated with two or more dwellings on a lot or a residential building provided it does not exceed the maximum height specified in Clause 55.06-2.
- A development must meet the requirements of Clause 55, unless otherwise stated in this Schedule. This does not apply to a development of five or more storeys, excluding a basement.

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

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## Buildings on lots that abut a residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone or Neighbourhood Residential Zone must meet the requirements of Clauses 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

## 4.4

11/05/2016  
C106

## Design and development

## Building height

A permit cannot be granted to vary the 'Mandatory Height' provisions specified at Part 5.0 of this Schedule (where applicable).

Permit applications which seek to exceed any 'Discretionary Height' specified in Part 5.0 of this Schedule, should demonstrate that:

- The objectives listed in Part 1.0 of this Schedule are satisfied, particularly those listed under Built form and character and Landscape and place activation.
- The objectives and guidelines of the relevant precinct of this Schedule are satisfied.
- Increased setbacks are provided for landscaping which includes additional canopy trees to assist in visually softening the development at street level and providing increased permeable surfaces.
- Design principles are included which provide landscaping beyond the ground level and green facades.
- The development positively contributes to the appearance of the Diamond Creek Activity Centre through its architectural quality and responsiveness to the character of the Activity Centre.

For the purposes of this Schedule, building height excludes service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- They are no more than four metres above the maximum height of the building.
- They occupy no more than 20 per cent of the floor area of the top building level.
- The service equipment is located so as to minimise additional overshadowing of neighbouring properties and public spaces.
- The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority.

## Building setbacks

Minor works including verandahs, architectural features, balconies, sunshades, screens and artworks may be constructed within the setback area specified at Part 5.0 of this Schedule, provided they are designed and located to the satisfaction of the responsible authority.

Basement levels should not encroach into landscape areas.

Where the precinct provisions specify a front setback, that setback is measured from the property boundary.

The following design guidelines apply to all development with the Activity Centre, unless otherwise specified in Precinct provisions in Part 5.0 of this Schedule.

- Development should include a front setback as specified in the Precinct provisions in Part 5.0 of this Schedule.

Any part of the building above 2 storeys should be:

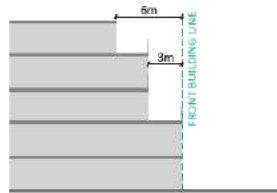
- Setback at least 3 metres from the front building line. Above 4 storeys the building should be setback a further 3 metres.

**Commented [PF8]:** The guidelines for roof form have been simplified and made more flexible. For example, a requirement has been removed from the existing schedule that all roofs should be pitched, gabled or hipped greater than 10 percent. Further, any requirement for a top storey to be in the roof has been removed.

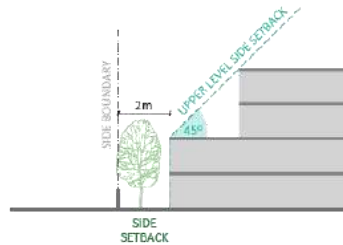
**Commented [PF9]:** As recommended by the 2020 structure plan, the front setback is now to be measured from the front property boundary. This brings the schedule into line with common planning practice.

**Commented [PF10]:** The schedule has been modified to provide more guidance, including by use of diagrams, of the design outcomes sought. Council understands that this is in line with the State Government's preference for such guidance to be within the planning provision, rather than in a reference document (which is the practice used by the existing ACZ2 schedule which references a design guidelines document).

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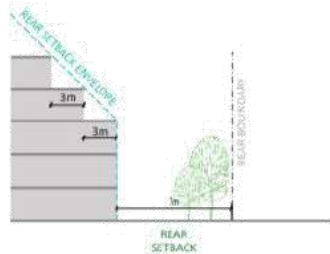


- Setback beyond a 45 degree plane from the sides of the level below (Precinct 6 and properties fronting Inglis Street only).



Rear setbacks to direct residential zones should be designed to manage visual bulk and overshadowing impacts to adjacent residential properties by:

- Applying a 7m rear setback; and
- Apply a 1m setback for every metre of height over 10.9m (shown in Section Diagram below).



Rear setbacks to other zones above the street wall should be:

- 4.5m from the common boundary, where a habitable room window or balcony is proposed; or
- 3.0m from the common boundary where a commercial or non-habitable window is proposed.

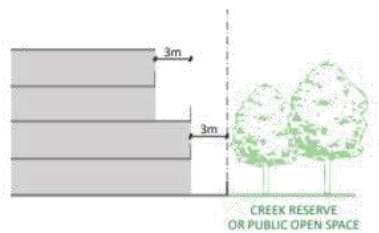
Development on lots directly interfacing with Diamond Creek Reserve and open space should:

- Be designed to address the creek reserve with entries, windows and balconies.
- Provide a 3 metre upper level setback above the street wall to the creek/open space.
- Include a 3 metre landscaped setback from the property boundary facing the creek.



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- Incorporate a low, visually permeable fence to clearly define the public realm while retaining the potential for visual interaction (shown in Section Diagram below).



**Landscape design**

Landscape design should:

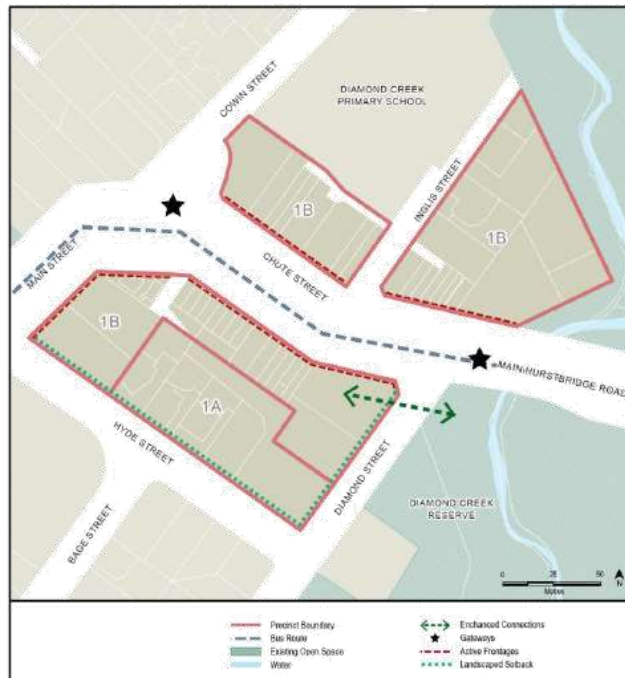
- Create private and public open space areas that are accessible, safe, attractive and functional.
- Retain established indigenous vegetation within all streets that contributes to the 'green and leafy' appearance of the area, in both the private and public realm.
- Limit the removal of vegetation to the minimum required to allow the land to satisfy its development potential.
- A high standard landscape treatment should be provided in the front setback where buildings are setback from the street.

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**5.0      Precinct provisions**  
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**5.1      Precinct 1 - Chute Street Commercial Strip**  
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**5.1-1      Precinct map**



**5.1-2      Precinct objectives**

- To enhance the historic role and character of Chute Street as the earliest part of the town centre as a distinguishing feature and attraction to visitors.
- To encourage buildings to step down the slope providing a link and orientation to the natural settings and leisure opportunities along the creek valley.
- To encourage moderate density mixed use development with building design that is responsive to the existing fine grain character and scale and allows for views to the surrounding tree canopy and in places, views of the valley and hills.
- To ensure retail, office and entertainment activities are provided as a secondary node to the retail core (Precinct 4), providing local convenience shopping.

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- To create a safe, accessible and attractive pedestrian environment activated through a range of shop-fronts, cafes, places to sit and stop with established trees and other attractions.
- To develop a strong sense of identity through a coordinated approach to building design, signage and landscape treatments.
- To protect the amenity of adjoining residential properties.
- To improve pedestrian and cyclist connectivity and amenity.

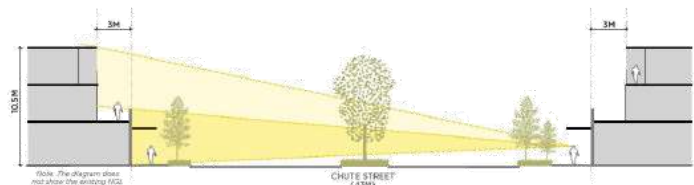
5.1-3 Precinct requirements

| Sub-Precinct | Discretionary height (Excluding basement) | Mandatory height (Excluding basement) | Preferred minimum setbacks  |
|--------------|---|---------------------------------------|---|
| 1A           | 4 storeys (14m).                          | None specified.                       | Consistent 1 storey street wall with 5.5m landscaped front setback to Hyde Street.<br><br>A 3m upper level setback above the 1 storey street wall.  |
| 1B           | None specified.                           | 3 storeys (10.5m)                     | Consistent 1 storey street wall with 0m setback along Chute Street, Main Street and Cowi Street.<br><br>1 storey street wall with 5.5m front setback along Hyde Street, Diamond Street and lots fronting Inglis Street.<br><br>A 3m upper level setback above the 1 storey street wall. |

**Commented [PF11]:** The existing ACZ2 schedule sets a mandatory requirement for a top storey to be in the roof. Any such requirement has been removed from the proposed ACZ2 schedule. This is in line with a recommendation of the 2020 structure plan.

**Commented [PF12]:** For each precinct greater guidance is given regarding preferred minimum setbacks, reflecting the detail on this matter within the 2020 structure plan.

- The preferred built form character for Precinct 1 includes a single storey street wall, with levels above setback to avoid overwhelming the public realm (Section Diagram 1).



Section Diagram 1 – Indicative minimum setbacks at Chute Street in Precinct 1

5.1-4 Precinct guidelines

- Use and development of non-residential uses should:

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- be compatible with surrounding residential use, scale and intensity.
- generally serve local community needs.
- reflect the pattern of existing building siting and massing within the precinct.
- Industrial uses are strongly discouraged in Precinct 1. Precincts 3 and 5 are the preferred location in the Diamond Creek Activity Centre for industry.
- Develop the density of retail, office and entertainment activities in and around Chute Street for local convenience shopping, a range of food and restaurant outlets and professional and other office based services but little if any retail floor-space expansion.
- Encourage development to have a high quality design. Façade proportions and building articulation should be diverse in pattern to create visual interest.
- Driveways and fencing should not dominate the front setback of the property or the streetscape.
- Buildings on corner allotments should address both street frontages with shop front windows at street level.
- Buildings should respond to the topography ensuring the front door to the ground floor use is at the same level as the footpath.
- Development on lots directly interfacing with the creek should be designed to address the creek with entries, windows and balconies.
- Development fronting Hyde Street and Inglis Street should respond to surrounding residential use, scale, and intensity and adopt consistent setback distances to adjacent buildings and seek to retain any existing vegetation along property boundaries.
- Redevelopment adjacent to 69 Main Street should be designed to reflect and respond to its heritage features.
- Ensure that new buildings do not significantly overshadow or overlook the private open spaces and habitable windows of adjoining residential properties.

Buildings fronting Chute Street should:

- Be designed with well-articulated facades, roof forms, fenestration, parapet treatments and other detail and materials to provide interest at the street level and reinforce the human scale of Chute Street.
- Provide active frontages at ground level to provide a safe and lively environment.
- Provide continuous weather protection (such as cantilevered canopies/verandahs) over footpaths, subject to protecting existing tree canopies.
- Utilise the front wall to provide informal bench seating (can be low window sills).
- Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.

#### 5.1-5 Any other requirements

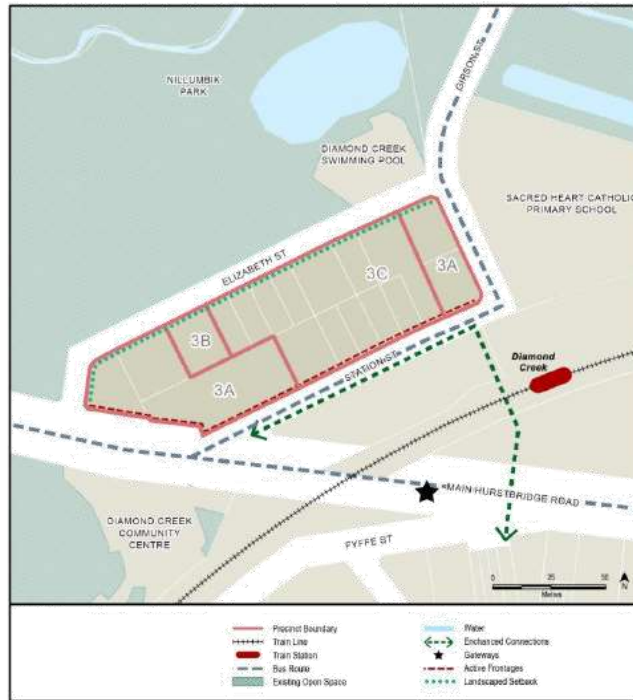
Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

#### 5.2 Precinct 3 – Elizabeth Street/Station Street

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# NILLUMBIK PLANNING SCHEME

## 5.2-1 Precinct map



## 5.2-2 Precinct objectives

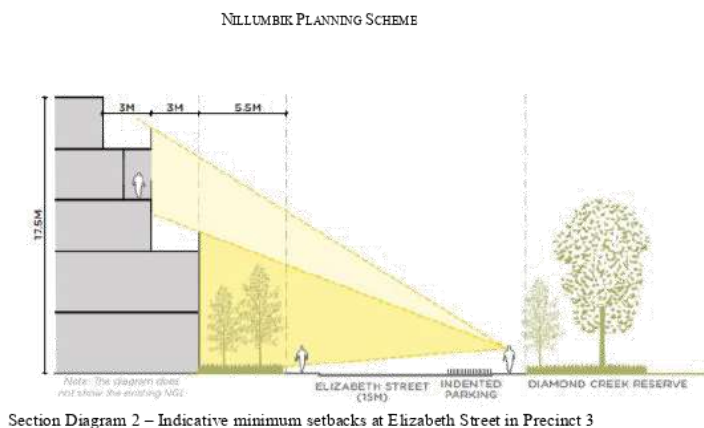
- To support existing industrial uses whilst facilitating other compatible emergent industries to energise the centre.
- To minimise the impacts of development on adjoining sensitive land uses.
- To encourage medium density mixed use development.
- To create a cohesive image for the area and encourage contemporary built form responses which provide interest to the streetscape and contribute to an attractive pedestrian environment.
- To emphasise the Main Hurstbridge Road frontage with buildings which exemplify the overall character and image of Diamond Creek.
- To create a native and exotic planting theme within front setbacks along Elizabeth Street which will link this area to the character of adjoining parklands.
- To improve the public realm and minimise conflicts between cars and pedestrians.

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5.2-3 Precinct requirements

| Sub-Precinct | Discretionary height<br>(Excluding basement) | Mandatory height<br>(Excluding basement) | Preferred minimum setbacks  |
|--------------|--|--|---|
| 3A           | None specified.                              | 3 storeys (10.5m).                       | <p>2 storey street wall with 5.5m front setback along Elizabeth Street and Gipson Street.</p> <p>Consistent 2 storey street wall with 0m front setback along Station Street and Main Hurstbridge Road.</p> <p>A 3m upper level setback above the 2 storey street wall.</p> <p>Landscaped setback along Elizabeth Street frontage.</p>         |
| 3B           | 4 storeys (14m).                             | None specified.                          | <p>2 storey street wall with 5.5m front setback.</p> <p>A 3m upper level setback above the 2 storey street wall.</p> <p>Landscaped setback along Elizabeth Street frontage.</p>   |
| 3C           | 5 storeys (17.5 m).                          | None specified.                          | <p>2 storey street wall with 5.5m front setback along Elizabeth Street.</p> <p>Consistent 2 storey street wall with 0m front setback along Station Street.</p> <p>A 3m upper level setback above the 2 storey street wall. A further 3m front setback above the fourth storey.</p> <p>Landscaped setback along Elizabeth Street frontage.</p> |

- The preferred built form character for Precinct 3 includes a two storey street wall, with levels above setback to avoid overwhelming the public realm (Section Diagram 2).



#### 5.2.4 Precinct guidelines

- Maintain a range of light industrial and service industries to provide local employment and services.
- Change the functions along the Main Hurstbridge Road frontage to intensify the land use and increase the amenity along this spine of the Activity Centre.
- Minimise the impacts of development on adjoining sensitive land uses.
- Limit convenience parking areas to front setbacks landscaped to screen parking areas.
- Developments should not provide storage areas within the frontage.
- Front fencing along the street boundary is highly discouraged.
- New developments should provide no side setbacks.
- Design office/display areas of industrial shed developments to provide an interface to the street.
- Any future redevelopment of the Diamond Creek Tavern should be reflective of its heritage features and mark the entry to the Activity Centre.
- Redevelopment adjacent to the Diamond Creek Tavern should ensure it does not dominate the heritage form.
- Buildings should be designed with active frontages (greater than 60% non-reflective glazing) at ground level to provide a safe and lively environment.
- Buildings should present an attractive and articulated façade to provide visual interest to the overall development and offset bulky forms to the rear.



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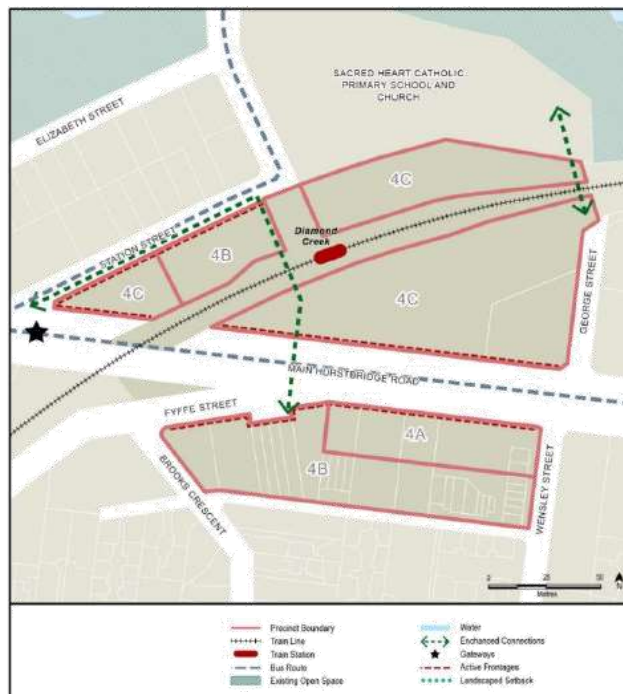
5.2-5      Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

5.3      Precinct 4 – Retail Core

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5.3-1      Precinct map



5.3-2      Precinct objectives

- To promote the creation of a public space/plaza in the Activity Centre.
- To retain the township atmosphere of this precinct while allowing opportunities for increased development (including transit orientated development) on large sites close to the train station.
- To link the various activities of the precinct visually and physically with contemporary building forms, public spaces and an attractive pedestrian environment.
- To create a stronger presence of built form and activity along Main Hurstbridge Road and create greater economic and pedestrian connectivity between both sides of Main Hurstbridge Road and the rail line.
- To develop the role of the station as a sustainable transport hub ensuring it is clearly accessible by pedestrian, cycle and public transport connections from the retail core.

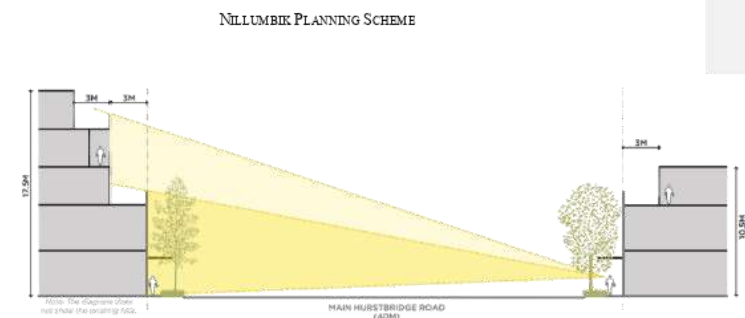
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- To enable mixed use, accessible development and housing including accessible housing options, shops, offices and to support growth in retail floorspace.
- To create a town centre 'heart' away from the traffic congestion on Main Hurstbridge Road.
- To create a 'landscaped civic spine' along Main Hurstbridge Road as the connecting feature of Diamond Creek.
- To advocate for the removal of the level crossing.
- To encourage traffic calming measures to Main Hurstbridge Road to improve conditions for pedestrians and cyclists.
- To develop a long-term plan for car parking including designated accessible parking bays to ensure an adequate and sustainable supply.

5.3-3 Precinct requirements

| Sub-Precinct | Discretionary height<br>(Excluding basement) | Mandatory height<br>(Excluding basement) | Preferred minimum setbacks   |
|--------------|--|--|--|
| 4A           | 5 storeys (17.5m).                           | None specified.                          | Consistent 2 storey street wall with 0m front setback.<br><br>A 3m upper setback above the 2 storey street wall. A further 3m front setback above the fourth storey.   |
| 4B           | 4 storeys (14m).                             | None specified.                          | Consistent 2 storey street wall with 0m front setback along Main Hurstbridge Road, Fyffe Street and Station Street.<br><br>Consistent 2 storey street wall with 5.5m front setback along Brooks Crescent, Waigo Way, and Wensley Street.<br><br>A 3m upper setback above the 2 storey street wall. |
| 4C           | None specified.                              | 3 storeys (10.5m)                        | Consistent 2 storey street wall with 0m front setback along Station Street and Main Hurstbridge Road.<br><br>Consistent 2 storey street wall and 5.5m front setback along George Street.<br><br>A 3m upper setback above the 2 storey street wall.   |

▪ The preferred built form character for Precinct 4 includes a 2 storey street wall, with levels above setback to avoid overwhelming the public realm (Section Diagram 3).



Section Diagram 3 – Indicative minimum setbacks at Main Hurstbridge Road in Precinct 4

#### 5.3.4 Precinct guidelines

- Develop this precinct as the primary focus for more intensive retail activity and floorspace in the Activity Centre, and generally contain retail activity within a compact pedestrian friendly core bound by the railway, Brooks Crescent, Waigo Way and Wensley Street/George Street.
- Encourage mixed use residential and office buildings north of the railway.
- Buildings on corner allotments should address both street frontages with shop front windows at street level.
- Design new buildings with the ground floor located responding to the natural ground level (NGL) to promote a strong connection with the public street space and ensure access to all.
- Plant substantial native and exotic trees where appropriate to provide shade in car parks and screen car parking areas.
- Front and side fencing is strongly discouraged.
- The use of roller shutters on shop-front windows and doors at street level is strongly discouraged.
- If required, at-grade or deck car parking is encouraged behind developments with an emphasis on landscaping to minimise visual impact on adjoining residential areas.
- Encourage activity and surveillance oriented towards the station and railway line interface through articulated facades, habitable rooms and windows which look onto the station or railway corridor.

In sub-precinct 4B (south of Main Hurstbridge Road):

- Use and development of non-residential uses should:
  - Be compatible with surrounding residential use, scale and intensity.
  - Generally serve local community needs.
  - Reflect the pattern of existing building siting and massing within the precinct.
- New development at 42 and 46 Main Hurstbridge Road should provide for the retention and improvement of the site as a local landmark building.

Buildings fronting Main Hurstbridge Road should:

- Be designed with well-articulated facades, roof forms, fenestration, parapet treatments and other detail and materials to provide interest at the street level.
- Be built to the front boundary, with car parking (including designated accessible parking bays) behind.
- Provide active frontages at ground level to provide a safe and lively environment.

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- Provide continuous weather protection (such as cantilevered canopies/ verandahs) over footpaths.
- Include a street wall that includes both a fine grain and strong vertical articulation to deliver visual interest.

#### 5.3.5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

#### 5.4 Precinct 5 – East of George Street, North of Main Hurstbridge Road

11/08/2016  
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#### 5.4.1 Precinct map



#### 5.4.2 Precinct objectives

- To encourage a range of industrial, commercial, office, civic and other employment generating uses complementing the use mix in Precinct 4.
- To minimise off site effects on adjoining sensitive land uses.
- To maintain the 'rural periphery' and landscape setting of this section of Main Hurstbridge Road as the defining feature of the eastern entrance to the Activity Centre.
- To encourage an attractive and safe environment for pedestrians and cyclists.

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5.4-3 Precinct requirements

| Sub-Precinct | Discretionary height<br>(Excluding basement) | Mandatory height<br>(Excluding basement) | Preferred minimum setbacks   |
|--------------|--|--|--|
| 5A           | 5 storeys (17.5m).                           | None specified.                          | Consistent 2 storey street wall and 5.5m front setback along George Street.<br><br>A 3m upper setback above the 2 storey street wall and a further 3m front setback above the fourth storey along George Street. |
| 5B           | 4 storeys (14m).                             | None specified.                          | Consistent 2 storey street wall and 5.5m front setback along Main Hurstbridge Road and George Street.<br><br>A 3m upper setback above the 2 storey street wall.  |

**Commented [PF13]:** Slight increase in the size of 5B at the expense of 5A (currently 4B and 4A), which reduces the height limit in the relevant land.

5.4-4 Precinct guidelines

- Support retail or semi-retail development that requires larger floor spaces, trade supplies or bulky goods.
  - Design new buildings with ground floor street frontages to provide windows with displays, doors and main building entrances at the street level to contribute to the activation of the street.
  - Locate habitable spaces on upper levels along the street frontage, with windows overlooking the street or parklands/railway corridor to create a sense of surveillance.
  - Locate storage yards, loading docks and large car-parking areas to the side or rear of the buildings to reduce their visual prominence.
  - Larger scale commercial and industrial buildings to be set in well landscaped surrounds to contribute to the rural township character of the Activity Centre.
  - Provide space in front setbacks for adequate landscaping including indigenous grasses, shrubs and canopy trees and sufficient permeable surface to ensure plant growth.
  - Maintain a suitable landscape buffer treatment along the eastern precinct boundary to act as a buffer to adjacent sensitive land uses.
  - Minimise the number of driveway crossovers to improve footpath safety and opportunities for on-street parking.
  - All industrial sheds should include a glazed office/display component to provide an interface with the street and to assist in concealing the bulky form behind.
  - Front fencing along the street boundary is strongly discouraged.
- Buildings fronting Main Hurstbridge Road should:
- Provide active frontages at ground level to provide a safe and lively environment.
  - Be designed with ground floor street frontages with windows with displays and doors at the street level.

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**5.4-5      Any other requirements**

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

**5.5      Precinct 6 – East of Wensley Street, South of Main Hurstbridge Road**

11/06/2016  
C106

**5.5-1      Precinct map**



**5.5-2      Precinct objectives**

- To encourage more intensive development that provides increased floorspace which integrates with the existing residential character of the area and takes advantage of the main road frontage in an efficient land use manner.
- To encourage new development to present a predominantly residential appearance in respect to form, heights, setbacks, streetscape and landscape.
- To create a strong presence of indigenous vegetation on the main road.
- To protect and enhance the amenity within the Activity Centre and surrounding established residential neighbourhoods.

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5.5-3 Precinct requirements

| Sub-Precinct | Discretionary height<br>(Excluding basement) | Mandatory height<br>(Excluding basement) | Preferred minimum setbacks  |
|--------------|--|--|---|
| 6A           | 4 storeys (14m).                             | None specified.                          | Consistent 2 storey street wall with 5.5m front setback along Main Hurstbridge Road and Wensley Street.<br><br>A 3m upper setback above the 2 storey street wall.<br><br>Landscaped setback along Main Hurstbridge Road and Wensley Street.                                   |
| 6B           | None specified.                              | 3 storeys (10.5m).                       | Consistent 2 storey street wall with 5.5m front setback along Main Hurstbridge Road, Wensley Street and Phipps Crescent.<br><br>A 3m upper setback above the 2 storey street wall.<br><br>Landscaped setback along Main Hurstbridge Road, Wensley Street and Phipps Crescent. |

**Commented [PF14]:** Slight increase in the size of 6B at the expense of 6A (currently 5B and 5A), which reduces the height limit in the relevant land.

Landscaping

Development fronting 'landscaped setback' on the Precinct map should provide a 5.5 metre deep landscape setback to Main Hurstbridge Road.

5.5-4 Precinct guidelines

- Encourage an active frontage and mix of activities including higher density housing, office development and medical services along the Main Hurstbridge Road frontage.
- Upgrade streets to provide footpaths along the Main Hurstbridge Road edge and provide protection to pedestrians.
- Façade proportions and building articulation should be diverse in pattern, to create a visually interesting development.
- Provide upper level setbacks to reduce the visual bulk of buildings when viewed from Main Hurstbridge Road and from adjoining residential zoned land.
- Buildings should be designed with a predominantly residential appearance with front side and rear setbacks to allow for substantial landscaping.
- Buildings should transition in height and scale downwards to the residential hinterland to the south.
- Landscaping in the front, side and rear setbacks should include grasses, shrubs, substantial trees and sufficient permeable surface to ensure plant growth.
- Carparking should be provided in a basement or to the rear of the buildings to reduce their visual prominence.



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Non-residential development should:

- Locate habitable spaces on upper levels along the street frontage, with windows overlooking the street to create a sense of surveillance.
- Locate windows with displays, doors, and the main building entrance on the street frontage, so that it is visible and easily recognised and provide access paths to building entrances.
- Minimise the number of driveway crossovers to improve footpath safety and opportunities for on-street parking.
- Minimise overshadowing and overlooking of private open space and habitable windows by applying the relevant provisions of Clause 54 and Clause 55.

Buildings fronting Main Hurstbridge Road should:

- Encourage an active street frontage at ground level.
- Be designed to provide natural surveillance by addressing the street and overlooking the public realm.
- Include building articulation to create a visually interesting development.
- Locate the main building entrance on the street frontage, so that it is visible and easily recognised and provide access paths to building entrances.

## 5.5-5 Any other requirements

Refer to Part 4.4 of this schedule for interface setback guidelines and requirements.

## 6.0 Application requirements

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None specified.

## 7.0 Notice and review

07/02/2019  
C116nIII

An application to use land under Clause 37.08-2 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.

An application for buildings and works 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 if the development exceeds the 'Discretionary Height' or 'Preferred Minimum Setbacks' specified in the relevant precinct requirements contained within this schedule.

To remove any doubt, where the preferred height limit is specified in both storeys and metres, if the proposal would exceed either of those figures, then the application 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.

## 8.0 Decision guidelines

07/02/2019  
C116nIII

Before deciding on an application, in addition to the decision guidelines in Clause 65 and Clause 37.08, the responsible authority must consider, as appropriate:

### Design and built form

Whether the proposed development:

- Provides a high standard of urban design and well designed site responsive architecture.
- Does not present a blank façade to a pedestrian activity area or street.

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- Provides for appropriate setbacks which respect the siting of adjacent developments where the schedule promotes landscaped setbacks to the street frontage.
- Incorporates any signs as an integral part of the architecture. The construction and design of signs should be of a high quality and should maintain and enhance the Diamond Creek form and character.

## Subdivision

Whether the subdivision is associated with a development proposal that supports the objectives promoted by this Schedule.

## Access

Whether the proposed development limits the number of vehicle crossings to each development.

## 9.0

07/02/2019  
C116n III

## Signs

Sign requirements are at Clause 52.05.

All land located within Precincts 3 and 5 is in Category 2.

All land located in Precincts 1A and 6 is in Category 3.

All remaining land is in Category 1.

## 10.0

07/02/2019  
C116n III

## Other provisions of the scheme

None specified

## 11.0

07/02/2019  
C116n III

## Reference documents

*Diamond Creek Major Activity Centre Structure Plan, September 2020*

*Nillumbik Major Activity Centres Sustainable Transport Study and Strategy, 2010*

*Diamond Creek Major Activity Centre Car Parking Strategy, 2013*

**Commented [PF15]:** The list of reference documents has been updated. Further, the list has been shortened, noting further guidance is provided within the schedule, rather than relying on reference documents to do this.

NILLUMBIK PLANNING SCHEME

25/09/2014  
C51

**SCHEDULE 1 TO THE SIGNIFICANT LANDSCAPE OVERLAY**

Shown on the planning scheme map as SLO1.

**ELTHAM TOWN CENTRE**

**1.0**

25/09/2014  
C51

**Statement of nature and key elements of landscape**

The *Eltham Major Activity Centre Structure Plan (July 2020)* recognises that the Eltham Town Centre has a distinctive character which in part is defined by the integration of the built form and vegetation, particularly canopy trees, which should be preserved and enhanced. The Eltham Town Centre is also a designated area of substantial change, where the development potential of sites is to be realised in accordance with the *Eltham MAC Structure Plan*. Future development should thus seek to strike a balance between the retention and planting of vegetation and the accommodation of higher intensity development.

In the future, new development will contribute to a strong sense of place by reflecting the special qualities of the Eltham Town Centre through the achievement of the following preferred character:

- New development will employ earthy muted tones, natural building materials and innovative design.
- Buildings will not exceed the predominant tree canopy height and while visible from the street, their appearance will be softened through landscaping.
- Building forms will be modest and compact in scale and avoid excessive bulk through the use of articulation, low roof pitches, and other design elements.
- Vegetation, both native and exotic canopy trees, will dominate long distance views, the skyline of streetscape views, and front gardens.
- There will be little physical evidence of the boundary between private and public property at the front of buildings, and no solid fences.

**2.0**

25/09/2014  
C51

**Landscape character objectives to be achieved**

- To recognise, protect and enhance the contribution provided by canopy trees, particularly native trees, to the existing and preferred character of the Eltham Town Centre.
- To ensure that the health of existing canopy trees is not unnecessarily jeopardised by buildings and works.
- To restrict removal of vegetation to the minimum required to allow land to satisfy its development potential in accordance with the *Eltham Major Activity Centre Structure Plan (July 2020)*.
- To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees.
- To reinforce the indigenous planting regime within the Eltham Town Centre.

**3.0**

25/09/2014  
C51

**Permit requirement**

A permit is not required to construct a building or carry out works more than five (5) metres from the base of any substantial tree.

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

A permit is required to remove, destroy or lop any substantial tree. This does not apply to:

- The pruning of a tree for regeneration or ornamental shaping

**NILLUMBIK PLANNING SCHEME**

- The removal of dead trees or dead limbs, or
- The partial removal of limbs and branches directly overhanging buildings.

For the purpose of this clause a substantial tree is defined as vegetation that has a trunk circumference greater than 0.5m at one metre above ground level, and/or a height greater than 6 metres.

**4.0**

25/09/2014  
C51

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether the site is being restricted from realising its development potential in accordance with the *Eltham Major Activity Centre Structure Plan* (July 2020) by the retention of the vegetation.
- Whether the removal or lopping of the vegetation will detract from the achievement of the preferred character of the Eltham Town Centre.
- Whether the design of any proposed buildings and works has been adequately responsive to the objective of avoiding and/or minimising the extent of vegetation removal, destruction or lopping.
- Whether the proposed location or design of any buildings or works will impair the appearance or health of the vegetation.
- The need for additional landscaping and screen planting to contribute to the achievement of the preferred, landscape qualities of the Eltham Town Centre.
- In the event that an adverse impact on vegetation cannot be avoided, the need for a comprehensive landscape plan which provides an adequate proposal to provide and manage replacement vegetation.
- The extent to which the proposed landscaping complements the landscape treatments of adjoining public realm areas.
- Whether the proposed landscaping is of a high quality and uses indigenous species, including canopy trees.
- The extent to which front setbacks are landscaped to reinforce the appearance of vegetation dominating private allotments when viewed from the street.

**5.0**

25/09/2014  
C51

**Reference Documents**

*Eltham Major Activity Centre Structure Plan* (July 2020)

NILLUMBIK PLANNING SCHEME

25/09/2014  
C53

**SCHEDULE 6 TO THE SIGNIFICANT LANDSCAPE OVERLAY**

Shown on the planning scheme map as SLO6.

**DIAMOND CREEK MAJOR ACTIVITY CENTRE**

**1.0**

25/09/2014  
C53

**Statement of nature and key elements of landscape**

The Diamond Creek Major Activity Centre Structure Plan (September 2020) identifies a strong presence of vegetation and the town's semi-rural and bushland landscape setting as key contributing factors to an existing and preferred character for the Diamond Creek Major Activity Centre. The town contains many significant landscapes due to the vegetation planted throughout, the corridor of open space that runs through the centre and the surrounding bushland and open pastoral land.

While the Structure Plan encourages higher intensity development within the activity centre, future development should seek to strike a balance between the realisation of the development potential of sites, and the retention of the distinct semi-rural township character.

All new development shall contribute to the preservation and enhancement of the unique landscape setting of the Diamond Creek Major Activity Centre through the achievement of the following preferred character:

- Buildings will be sited and designed to integrate with the landscape setting and maintain views across the Diamond Creek valley.
- New development shall complement and reflect the historic qualities of the township and its landscape setting through the use of natural materials and colours.
- Buildings will be modest in scale to ensure the dominance of the tree canopy over built form, and avoid excessive bulk and create interest through articulation, roof forms, fenestration, parapets and other design elements.
- The use and retention of indigenous vegetation, particularly canopy trees, to reflect and reinforce the vegetation dominated character of the area.
- Use of exotic species in selected locations as an expression of the European heritage of the area.

**2.0**

25/09/2014  
C53

**Landscape character objectives to be achieved**

- To retain and encourage the dominance of canopy trees in keeping with the distinct rural township image and character of Diamond Creek.
- To ensure that development is sensitive to the natural characteristics of the land including slope, terrain and existing vegetation.
- To ensure that the health of existing trees is not unnecessarily jeopardised by new development.
- To restrict removal of vegetation to the minimum required to allow land to satisfy its development potential in accordance with the Diamond Creek Major Activity Centre Structure Plan (September 2020).
- To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees.
- To reinforce the indigenous planting regime within the Diamond Creek Major Activity Centre.

**3.0**

25/09/2014  
C53

**Permit requirement**

A permit is not required to construct a building or carry out works more than five (5) metres from the base of any substantial tree.



#### NILLUMBIK PLANNING SCHEME

A permit is not required for buildings and works for railway purposes including signals (and related control buildings), new tracks, track-work and realignment, train stabling, overhead power lines, gantries, buildings and works related to railway power requirements and any work required under the Disability Discrimination Act-Disability Standards for Accessible Public Transport 2002.

A permit is required to remove, destroy or lop any substantial tree. This does not apply to:

- the pruning of a tree for regeneration or ornamental shaping
- the removal of dead trees or dead limbs, or
- the partial removal of limbs and branches directly overhanging buildings.

For the purpose of this clause a substantial tree is defined as vegetation that has a trunk circumference greater than 0.5m at one metre above ground level, and/or a height greater than 6 metres.

#### 4.0

25/09/2014  
C53

#### Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether the site is being restricted from realising its development potential [outlined in the *Diamond Creek Major Activity Centre Structure Plan (September 2020)*] by the retention of the vegetation.
- Whether the removal or lopping of the vegetation will detract from the achievement of the preferred character of the Diamond Creek Major Activity Centre.
- Whether the design of any proposed buildings and works has been adequately responsive to the objective of avoiding and/or minimising the extent of vegetation removal, destruction or lopping.
- Whether the proposed location or design of any buildings or works will impair the appearance or health of the vegetation.
- The need for additional landscaping and screen planting to contribute to the achievement of the preferred, landscape qualities of the Diamond Creek Major Activity Centre.
- In the event that an adverse impact on vegetation cannot be avoided, the need for a comprehensive landscape plan which provides an adequate proposal to provide and manage replacement vegetation.
- The extent to which the proposed landscaping complements the landscape treatments of adjoining public realm areas.
- Whether the proposed landscaping is of a high quality and uses indigenous species, including canopy trees.
- The extent to which front setbacks are landscaped to reinforce the appearance of vegetation dominating private allotments when viewed from the street.

#### 5.0

25/09/2014  
C53

#### Reference Documents

*Diamond Creek Major Activity Centre Structure Plan (September 2020)*

NILLUMBIK PLANNING SCHEME

**11.03-1L-01 Activity centres in Nillumbik**

22/07/2021  
C135nill

**Strategies**

Concentrate major retail activities in the Eltham and Diamond Creek Major Activity Centres.

Encourage development that facilitates opportunities for meeting and community interaction in the Eltham and Diamond Creek Major Activity Centres.

Plan for the Eltham Major Activity Centre in accordance with The Eltham Major Activity Centre Structure Plan (July 2020)

Plan for the Diamond Creek Major Activity Centre in accordance with the Diamond Creek Major Activity Centre (September 2020)