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Proposed
C255whse

SCHEDULE 7 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO7**

BOX HILL SUBURBAN RAIL LOOP EAST STRUCTURE PLAN AREA – KEY MOVEMENT CORRIDORS AND URBAN NEIGHBOURHOODS

1.0 Development objectives

To support high housing growth in the form of mid-rise development, with incrementally taller built forms fronting Whitehorse Road, Station Street and Canterbury Road key movement corridors.

To create a high-quality public realm with street wall heights that respond to street widths, provide a human scale, recessive upper levels, landscaped street setbacks and solar access to identified public open spaces.

To ensure development demonstrates design excellence and environmental sustainability, and buildings which support the intended uses.

To ensure development maximises internal amenity by prioritising dwelling orientation to the street and rear of properties with generous rear setbacks incorporating deep soil, canopy trees, and opportunities to locate buildings on side boundaries.

To increase permeability and connectivity for pedestrians and cyclists, with the creation of through block pedestrian connections for a fine-grain street and laneway network.

2.0 Development framework

Map 1 to Schedule 7 to Clause 43.06: Development framework

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

Requirement before a permit is granted

None specified.

Requirements for a master plan

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

A permit is required to construct or extend a front fence within 3 metres of a street, that exceeds 1.2 metres in height.

No permit is required to construct a building or construct or carry out works for the following:

- Extend one dwelling on a lot.
- Construct or extend a small second dwelling.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (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.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over clause 58.03-5 and clause 58.04-1 in this planning scheme.

6.1 Outcomes that do not apply

The outcome in clauses 43.06-7.1, 43.06-7.3 and 43.06-7.7 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

Table 1 specifies standards for the corresponding building form outcomes, standards and their operation.

Table 1 – Building Form

Overlay reference	Standard	Operation
Clause 43.06-7.2 Building heights (BF02)	**Maximum building height**: ▪ Area A and Area D: · 27 metres. ▪ Area B: · 25 metres. ▪ Area C, Area E and Area F: · 21 metres.	This is a discretionary standard.
Clause 43.06-7.4 Overshadowing of open space or public realm (BF04)	Buildings should not cast any additional shadow beyond that cast by the applicable building envelope specified in standard BF02, BF05 and BF06 of this schedule and existing buildings over public open spaces shown on the Development framework (Map 1): ▪ Brougham Street Reserve / Surrey Drive Reserve between 10am and 2pm on 22 September.	This is a variation to standard BF04 of clause 43.06-7.4. This is a discretionary standard.
Clause 43.06-7.5 Front setbacks, street wall heights, setbacks above the street wall and landscaped setbacks (BF05)	**Minimum front setback**: ▪ Area A: · 3 metres front setback to a height of 21 metres with an additional 4m setback above a height of 21 metres. ▪ Area B and Area F: · 3 metres front setback to a height of 14 metres with an additional setback of 2 metres and to achieve a 45º plane (or less) when measured from the opposite street boundary above a height of 14 metres. ▪ Area C: · 3 metres front setback.	This is a discretionary standard.
	Maximum street wall height: ▪ Area D and Area E: · 21 metres. **Minimum front setback above** the street wall height: ▪ Area D: · 4 metres. Adopt the same setback for at least 75% of the height of the upper levels above the street wall to avoid stepped built form outcomes.	
Clause 43.06-7.6 Side and rear setbacks and building separation within a site (BF06)	**Minimum side setback** for a habitable room window measured from a lot boundary: ▪ 4.5 metres, except lots abutting public open space as shown on the Development framework (Map 1). **Minimum side setback** for lots abutting public open space as shown on the Development framework (Map 1): ▪ 3 metres.	This is a discretionary standard.

	Minimum rear setbacks measured from a lot boundary or the centreline of a laneway: ▪ Area A, Area B, Area C and Area F: · 6 metres plus 0.7 metres per metre of height above 11 metres except lots abutting public open space as shown on the Development framework (Map 1). ▪ Area A, Area B, Area C and Area F: · 6 metres plus 0.7 metres per metre of height above 14 metres where lots abutting public open space as shown on the Development framework (Map 1). ▪ Area D and E: · 0 metres for the ground floor. · 6 metres above the ground floor, plus 0.7 metres per metre of height above 11 metres.	
	Minimum building separation within a site: ▪ 9 metres.	

Table 2 specifies standards for the corresponding building layout outcomes, standards and their operation.

Table 2 – Building Layout

Overlay reference	Standard	Operation
Clause 43.06-7.8 Wind effects on the public realm (BF08)	This standard is required for development equal to or greater than 20 metres.	This is a variation to standard BF08 of clause 43.06-7.8. This is a discretionary standard.

Table 3 specifies standards for the corresponding public interfaces outcomes, standards and their operation.

Table 3 – Public Interfaces

Overlay reference	Standard	Operation
Clause 43.06-7.9 Active frontages (BF09)	Minimum percentage of clear glazing or entries at ground level in the locations identified on the Development framework (Map 1): ▪ 80% active frontage.	This is a discretionary standard.
Clause 43.06-7.10 Pedestrian connections (BF10)	Provide pedestrian connections in the indicative locations identified on the Development framework (Map 1). A pedestrian connection should have a minimum width of 6 metres.	This is a discretionary standard.
Clause 43.06-7.11 Weather protection (BF11)	In the locations identified on the Development framework (Map 1).	This is a discretionary standard.

<table>
<tr>
<td>Clause 43.06-7.12
Landscaping and fencing (BF12)</td>
<td>In Area A, Area B, Area C and Area F:
▪ A development should meet the following landscaping requirements:
· A minimum deep soil area of 15 percent of the total site area.
· Canopy trees provided in accordance with Tables 3.1, 3.2 and 3.3.

Table 3.1 – Canopy Tree Requirements
<table>
<tr><th>Deep Soil Area</th><th>Canopy tree</th></tr>
<tr><td>50sqm or less</td><td>At least 1 Type A tree</td></tr>
<tr><td>51 - 100sqm</td><td>At least 1 Type B tree</td></tr>
<tr><td>101 - 200sqm</td><td>At least 2 Type B trees</td></tr>
<tr><td>201sqm or more</td><td>At least 3 Type B trees</td></tr>
</table>
Table 3.2 – Soil Requirements for Trees:
<table>
<tr><th>Tree Type</th><th>Area of Deep Soil</th><th>Minimum Plan Dimension</th></tr>
<tr><td>Type A</td><td>12sqm</td><td>2.5m</td></tr>
<tr><td>Type B</td><td>49sqm</td><td>4.5m</td></tr>
</table>
Table 3.3 – Tree Types:
<table>
<tr><th>Tree Type</th><th>Minimum Canopy diameter at maturity</th><th>Minimum height at maturity</th></tr>
<tr><td>Type A</td><td>4m</td><td>6m</td></tr>
<tr><td>Type B</td><td>8m</td><td>8m</td></tr>
</table>
Front fences should be constructed with high quality materials and be visually permeable.</td>
<td>This is a discretionary standard.</td>
</tr>
</table>

Table 4 specifies standards for the corresponding design detail outcomes, standards and their operation.

Table 4 – Design Detail

Overlay reference	Standard	Operation
Clause 43.06-7.13 Car parking design (BF13)	The width of accessways should not exceed 33 per cent of the street frontage. No more than one vehicle crossover should be provided for a site. Ground level car parking, garage doors and accessways should not visually dominate the public realm.	This is a replacement of standard BF13 of clause 43.06-7.13. This is a discretionary standard.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under clause 43.06 in addition to those specified in clause 43.06-9 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Urban Context Report

A written and illustrated Urban Context Report which must:

- Explain the key planning, design and contextual considerations and influence on the proposed buildings and works.
- Describe the urban context of the area in which the proposed buildings and works are to be located.
- Provide streetscape elevations showing the development in the context of adjacent buildings.
- Explain how the proposed buildings and works relate to their urban context including:
    - Architectural elements and materials in the surrounding streetscape including any heritage elements.
    - The relationship between the proposal and adjacent buildings (including likely adjacent equitable development envelopes) and open space.
    - Identify the key opportunities and constraints supporting the design response, including opportunities for new pedestrian connections.
- Explain how the design response addresses the development objectives, outcomes and standards of this schedule including how the development:
    - Will achieve the relevant development objectives if the outcomes and standards are not met.
    - Will provide high-quality public realm outcomes and ameliorate shadow and wind effects.
- Illustrate the following:
    - Concept plans, elevations and section drawings (minimum 1:50) describing the design of the lower levels of the building including entries, shop front design, service doors or cabinets, weather protection canopies and integrated signage elements.
    - A concept landscape plan for any publicly or communally accessible areas, including podium or rooftop spaces detailing proposed hard and soft landscape elements, plant schedule, plant container details and maintenance and irrigation systems.
    - Where car parking is proposed above ground level, demonstration of appropriate sleeving car parking from view from the public realm.
    - Shadow diagrams showing hourly diagrams between the control period specified at Standard BF04 of this schedule.

Design Excellence

An application for a permit must be accompanied by a report that demonstrates how the proposal achieves high-quality design. The report must:

- Explain how the application provides high-quality architecture, landscape architecture and urban design which demonstrates function, liveability, sustainability and public contribution to buildings and urban spaces.
- Explain how the application responds to the standards of this schedule.
- Describe how the development addresses and provides high-quality public realm outcomes, and appropriately ameliorates shadow and wind effects to adjacent public realm.
- Where an application seeks to vary the requirement(s) of this schedule, it must explain how the outcomes are achieved, and the alternative response demonstrates appropriate built form outcomes having regard to the decision guidelines of this schedule.

Any application which departs from the preferred setback, street wall height or building height by more than 20 per cent may be subject to an independent design review where required by the responsible authority.

Urban Greening Plan

An application to construct a building must be accompanied by an Urban Greening Plan that addresses:

- Measures to achieve the targeted deep soil areas and canopy trees across the site area.
- Strategies to retain and enhance existing site vegetation where appropriate.
- The use of a locally common and climate adaptive landscape palette and vegetation selection.
- A maintenance plan for the proposed green cover.
- Any measures to improve the public realm interfaces adjacent the site.

Wind Impact Report

A development must be accompanied by a report prepared by a suitable qualified person to consider wind impacts and in the form of assessment as follows:

- A wind impact assessment for a development equal to or greater than 20 metres in height; or
- A wind tunnel modelling study for a development which meets one of the following:
    - The building height is equal to or greater than 60 metres.
    - The building height is greater than 40 metres and is exposed to an area open from the north, west or south (open areas typically include major arterial roads, highways, parks, large water bodies or parcels of open land larger than 40 metres by 40 metres).
    - The building height is greater than 40 metres and there is more than one building on the site.

The respective wind impact assessment report or wind tunnel modelling study must:

- Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
- At a minimum, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing.
- Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.

3D digital model of buildings and works

An application to construct a building greater than 11 metres in height must be accompanied by a 3D digital model of the proposed buildings and works in a format to the satisfaction of the responsible authority. The model may be used for assessing overshadowing and visual impacts caused by the proposal and for general archive, research and public information purposes.

9.0 Exemption from notice and review

An application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under clause 43.06, in addition to those specified in clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- Whether development achieves housing and employment at the scale and intensity sought by the development outcomes of this schedule.
- For the construction or extension of a dwelling, the extent to which the proposal maximises internal amenity by prioritising dwelling orientation to limit overlooking into private open space and habitable room windows of adjacent properties and other dwellings within the same development.
- For the construction of one dwelling on a lot, the objectives, standards and decision guidelines of clauses 54.03-5 and 54.05-2.
- For the construction or extension of two or more dwellings on a lot, other than an apartment development, the objectives, standards and decision guidelines, of Clauses 55.02-3, 55.02-4, 55.03-5, 55.03-6, 55.03-7, 55.04-8, 55.05-1, 55.05-4, 55.05-6, 55.06-3 and 55.06-4.

Building form

- Whether street setbacks provide a human scale to the public realm, and additional front setbacks are sufficient to distinguish upper level from lower levels and reduce visual bulk.
- Demonstration of design excellence through high quality architecture, landscape architecture and urban design for the site as supported, where required, by an independent design review that endorses the proposed outcomes for the site.
- Whether rear setbacks contribute to a new rear character providing good outlooks and daylight for dwellings, and the establishment of a new landscaped character derived from deep soil planting and canopy trees.
- The extent of building articulation, visual interest and variety of materials for a building.
- Whether the development avoids repetitive stepped forms.
- Whether the building form appropriately responds to the heritage character of Whitehorse Road through appropriate setbacks, materiality and articulation.
- Development should not unreasonably reduce sunlight on nominated public open spaces. Where shadows increase, consider the following:
    - The extent of shadows cast by adjacent buildings;
    - The nature and use of the space; and
    - The relative area that will remain in sunlight.

Public interfaces and landscaping

- Whether there are reasonable opportunities to contribute to and fulfil the completion of a through-block pedestrian connection on adjacent land over time.
- The extent to which the landscape and design response contributes to a biodiverse, greener environment to public and private realm interfaces and reduces urban heat.
- The opportunity to use shade structures and canopy trees or vines on trellis structures to shade outdoor areas exposed to summer sun.

Design detail

- The impact of vehicle access on activation to the street, existing footpaths, on-street car parking spaces, street trees and infrastructure.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

None specified.