

SCHEDULE 5 TO CLAUSE 37.10 PRECINCT ZONE

Shown on the planning scheme map as **PRZ5**.

BOX HILL SUBURBAN RAIL LOOP EAST STRUCTURE PLAN AREA: FORMER BOX HILL BRICKWORKS

1.0 Role of the precinct

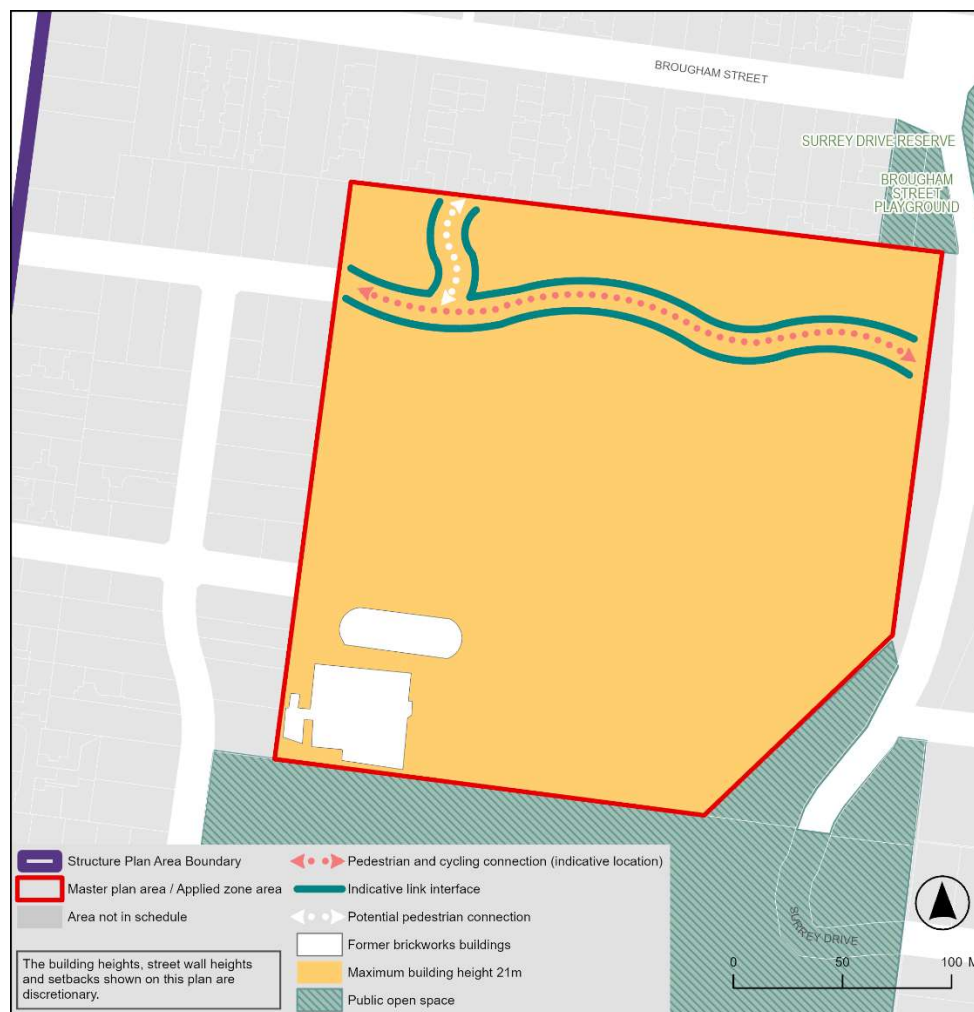
The former Box Hill Brickworks site (shown on Map 1) is an identified strategic site within the Box Hill Suburban Rail Loop (SRL) East Structure Plan Area and is supported for medium to high built form scale residential development, new open space and enhanced neighbourhood connectivity. Redevelopment of the site will deliver more convenient connections for pedestrians and cyclists through the new neighbourhood, to nearby public open spaces and to the SRL Station at Box Hill and Box Hill metro station.

2.0 Use and development objectives

- To promote the use and development of land that is consistent with the Use and development framework plan (Map 1) at a scale and intensity to accommodate substantial growth in residential uses.
- To promote a diversity of housing types including the provision of affordable housing.
- To allow residential development that is responsive to the site's strategic context, with mid-rise built form tapering down to the site's interfaces to residential and open space uses and sited to provide an appropriate setting around existing heritage buildings on the site.
- To encourage site layout, built form and public realm outcomes that support pedestrian permeability through the site and provide convenient connections to the broader pedestrian movement network.
- To encourage high-quality contemporary architecture, urban design and landscape outcomes that deliver public benefit.
- To ensure development protects sunlight penetration to key public open spaces, sky views to deliver a high-quality public realm.
- To provide new public open space and an enhanced landscape interface with the Surrey Drive Linear Reserve.
- To ensure the siting and design of new development protects key views to the existing heritage buildings.
- To promote a high-quality public realm network that supports vibrant public spaces and streets, designed to integrate with Surrey Park.
- To ensure the staging of use and development has regard to the environmental issues related to the former use of the site as landfill.
- To promote sustainable development that achieves sustainable design, contributes positively to sustainable transport patterns and increased green cover and tree canopy coverage to reduce urban heat.

3.0 Use and development framework plan

Map 1 to Schedule 5 to Clause 37.10: Use and development framework plan



4.0 Master plan requirements

Requirements before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a master plan has been prepared to the satisfaction of the responsible authority.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and in accordance with the objectives and requirements for the site contained in this schedule.

Requirements for a master plan

The following requirements apply to an application for a master plan under clause 37.10 in addition to those specified in clause 37.10-3 and elsewhere in the scheme which must be show or include the following information, as appropriate, to the satisfaction of the responsible authority.

The master plan must be prepared having regard to the Use and development framework plan (Map 1) and must be prepared for the entire site, or as otherwise agreed by the responsible authority.

Urban Context and Design Response Report

An Urban Context and Design Response Report which must show or make provision for:

- An explanation of the key planning, design and contextual considerations and influence on the proposed buildings and works.
- A description of the urban context of the area in which the proposed buildings and works are to be located including key characteristics of the land.
- A range of housing types, existing and new building locations, vehicle, bicycle and pedestrian accessways and public open spaces.
- Building envelopes including the height, siting, setbacks and street-wall heights of existing and proposed buildings (and existing heritage structures), generally in accordance with the Use and development framework plan at Map 1 to this schedule.
- Regard is given to whether the development exceeds the Floor Area Ratio specified at clause 5.0.
- Building envelopes that enable good building separation within a site to deliver high quality amenity having regard to outlook, daylight, and overlooking.
- Strategies to encourage active frontages and street level activation particularly along any new link and along the interface with Surrey Park.
- A built form and public realm that supports a legible and intuitive network that links people to key destinations, responds to the hierarchy of streets and links created and encourages walking and cycling.
- Demonstration of how new development interfaces the existing heritage buildings, including sensitively framing existing heritage structures and preserving views to the heritage buildings from Surrey Park, Federation Street and Surrey Drive.
- Open Space interfaces shown on Use and development framework (Map 1) that are designed to ensure the development facing the open space activates the edge and allows for passive surveillance and avoids unreasonable overshadowing of the open space.
- Indicative link interface shown on Use and development framework (Map 1) that
 - 3 metre landscaped setback
 - Maximum street wall height of 17 metres.
- Shadow diagrams of the proposed building envelopes demonstrating that any proposed buildings can achieve the following overshadowing requirements:
 - Buildings should not cast any additional shadow beyond that cast by the applicable preferred building envelope specified in Use and development framework plan (Map 1) and existing buildings over public open spaces shown on the Map 1:
 - Surrey Park measured between 10am and 2pm on 22 September.
 - Surrey Drive Reserve measured between 10am and 2pm on 22 September.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.
- A wind impact assessment report to consider the proposed massing and forms and the effect in publicly accessible areas having regard to the principal role of each portion of the publicly accessible areas for siting, standing or walking purposes.
- Any matters arising from the technical assessments required under this schedule.

Integrated Transport and Access Plan

An Integrated Transport and Access Plan prepared in consultation with Whitehorse City Council which includes:

- Site access locations and movement networks within the site for vehicles, bicycles and pedestrians.

- The likely traffic generation of the proposed uses and development including results from traffic modelling showing the potential traffic impacts on surrounding sites, the broader road network and public transport services.
- A public transport access plan showing existing and proposed active transport linkages that connect the site to the major public transport network within its immediate context, including the SRL Station at Box Hill.
- Strategies to promote reduced car use and sustainable travel.

Public Realm Plan

Preparation of a Public Realm Plan which identifies:

- Public Realm improvement works including any new open space, public spaces, tree planting, soft and hard landscaping, public furniture and infrastructure, and other improvements to complement Surrey Park, Surrey Drive and Mont Albert Road.
- Principles for how future development will contribute to improving the public realm and promote inviting, pedestrian public spaces.
- Proposed landscaping associated with the buildings including communal terraces, and podium and rooftop spaces (as relevant).
- Urban biodiversity, canopy trees and greening enhancements through the site.
- Integration of Water Sensitive Urban Design techniques to enhance sustainable water outcomes and optimises water collection, storage, treatment and reuse.

Staging Plan

- A Staging Plan showing the likely sequence and indicative timing of development which includes a description of the key components to be delivered in each stage.

Concept plan

None specified.

5.0 Public benefit uplift framework

A permit must not be granted or amended to construct a building or construct or carry out works with a floor area ratio that exceeds the mandatory maximum of 1.8:1 unless a public benefit is provided, as set out and calculated in accordance with the *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*, as amended from time to time.

For the purposes of this schedule the floor area ratio is the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar services elements should be considered as multiple floors of the same height as adjacent floors or 3 metres if there is no adjacent floor.

6.0 Use of land

The requirements in the table of uses of the following zones in the planning scheme apply to the use of land, by reference to the Use and development framework plan (Map 1) of this schedule.

Table of applied zones

Land	Applied zone
All land shown in the Use and development framework plan (Map 1)	Applied zone provisions Clause 32.07 – Residential Growth Zone

Use of land requirements

None specified.

7.0 Subdivision

Permit requirements

A permit is required to subdivide land.

Subdivision requirements

None specified.

8.0 Buildings and works

Permit requirements

A permit is required to construct a building or construct or carry out works. Any application should be generally in accordance with the Master Plan requirements as specified at Clause 4.0 of this schedule.

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

- Buildings and works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- External works to provide access for persons with disabilities that comply with all legislative requirements.
- 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.

Buildings and works requirements

None specified.

Buildings and works requirements that do not apply

None specified.

Outcomes and standards

None specified.

9.0 Application requirements

Buildings and works

The following application requirements apply to an application for a permit under Clause 37.10, in addition to those specified in Clause 37.10-9 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 how the application is generally in accordance with the Master Plan, if one applies.
- 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 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.
- Illustrate the following:
 - 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.
 - Photomontage studies of the proposal within its streetscape context from pedestrian eye level within the street (including surrounding relevant proposals and approvals).
 - Shadow diagrams showing hourly diagrams between the control period specified at clause 4.0 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 requirements of this schedule.
- Describe how the development addresses and provides high quality public realm outcomes and appropriately ameliorates shadow and wind effects.
- Where an application seeks to depart from the preferred built form outcomes specified in 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.

Public Benefit Uplift Framework

An application to construct a building or construct or carry out works to which clause 4.0, Public Benefit uplift framework, applies must:

- Be accompanied by an assessment and report of the proposed floor area ratio from an independent quantity surveyor.
- Specify what public benefit(s) are to be provided in accordance with *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*.
- Provide an independent valuation report to determine the value of the land to be used in the calculation of the public benefit in accordance with *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*.

- Provide an independent valuation assessment of the value rates adopted for the provided form of public benefit(s).

Traffic Management Plan

An application must be accompanied by a Traffic Management Plan that identifies any works necessary to mitigate potential impacts on the road network caused by traffic generated by the proposed development, including the implementation and indicative timing of such works.

Green Travel Plan

An application for a permit for a development involving one or more of the following:

- 10 or more dwellings;
- Greater than 1000 square metres of gross floor area for retail premises, office or leisure and recreation land use;
- Greater than 5000 square metres of gross floor area for industry land use; and
- Education centre land use;

must be accompanied by a Green Travel Plan. The plan must include a variety of transport demand management measures that reduces dependency on private vehicle trips.

Sustainable Management Plan

An application for a permit for a development comprising of 10 or more dwellings, or a building with more than 2500 square metres gross floor area, must be accompanied by a Sustainable Management Plan. A Sustainable Management Plan must address the following requirements:

- At least 75 per cent of the site area, excluding any part of the site that incorporates a solar energy system, or equivalent vertical area, should incorporate:
 - Unshaded hardstand surfaces with a solar reflectance index of greater than 34.
 - Roofing material with a solar reflectance index of greater than 64.
 - Green cover that may include canopy trees, vegetation, landscaped podiums, balconies, green roofs, walls or facades.
 - Native and drought-resilient plant species.
- A building with less than 5000 square metres gross floor area must demonstrate a Built Environment Sustainability Scorecard (BESS) with an 'Excellence' rating. 'Excellence' is defined within BESS as an overall score of 70 per cent or higher, including a 20 per cent higher score in the 'Energy' category.
- A building with 5,000 square metres or more of gross floor area must demonstrate the proposal has been designed to achieve certification to a minimum 5 Star Green Star Buildings rating with the Green Building Council of Australia (or equivalent third party accredited as built sustainability rating scheme).

Urban Greening Plan

An application to construct a new building must be accompanied by an Urban Greening Plan that is consistent with an approved Public Realm Plan required under clause 4.0 of this schedule and addresses:

- Any proposed green cover across the site area (or equivalent vertical area), which may comprise canopy trees, green roofs, landscaped podiums, green walls, etc.
- Strategies to retain and enhance existing site vegetation where possible.
- The use of a locally common and climate adaptive landscape palette and vegetation selection.
- A maintenance plan for the proposed green cover.

Waste Management Plan

An application for a new a permit for a development of a building with more than 5000 square metres gross floor area, must be accompanied by a Waste Management Plan. A Waste Management Plan must demonstrate how the development can:

- Plan for managing future waste streams and separation.
- Achieve 90 per cent diversion of construction and demolition waste from landfill during development.
- Achieve 80 per cent diversion of waste from landfill during the operation of the development.

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.

10.0 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.

11.0 Decision guidelines

Master plan approval

The following decision guidelines apply to the approval of a master plan, under clause 37.10, as appropriate, by the responsible authority:

- Whether the master plan enables the delivery of key links as shown on the Use and development framework plan (Map 1).
- Whether the master plan will deliver an appropriate level of intensity and scale of development that reflects the significance of the Master plan area.
- Where the maximum Floor Area Ratios are exceeded that a public benefit in accordance with clause 5.0 is provided.
- Whether the building height will result in unreasonable shadow impacts on any public open spaces specified in clause 4.0 to this schedule.

Permit applications

The following decision guidelines apply to an application for a permit under clause 37.10 in addition to those specified in clause 37.10-11 and elsewhere in the scheme which must be considered, as appropriate, by the response to authority:

General

- Whether the proposed use and development does not prejudice the future use and development of the land in an integrated manner consistent with the Use and development framework plan (Map 1) or any approved master plan.

Public benefit uplift framework

- The acceptability of the public benefit(s) calculated and specified in accordance with the *Suburban Rail Loop East Voluntary Public Benefit Uplift Framework*.
- Where the development exceeds the mandatory Floor Area Ratio, whether the built form outcomes as defined in this schedule have been met.

Use of land

- The effect of traffic to be generated on roads.
- Where a non-residential use is proposed, whether the proposed use generally serves local community needs.
- Where a non-residential use is proposed, the scale and intensity of the proposed use and development.

Subdivision

- Whether the proposed subdivision enables the delivery of roads and other links shown on any approved Master plan.
- Whether any proposed staging of subdivision allows for the timely delivery of links and development.

Buildings and Works

- The extent to which the proposed building heights contribute to a varied and architecturally interesting skyline, having regard to the framing and view lines to the former heritage Brickworks buildings.
- Whether the proposed street wall height and setbacks are sufficient to distinguish upper levels from the street wall and provide a human scale response to the public realm.
- The relationship between the proposed building setbacks and anticipated building setbacks within a site or adjacent properties to provide equitable access to privacy, daylight and outlook having regard to the proposed internal uses and the height of existing or proposed adjoining built form.
- 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 the separation of buildings within the site offsets direct views between buildings within the same site and achieves privacy without screening.
- How the development supports an increase in mode share for public transport, walking and cycling and seeks to reduce reliance on vehicles as a means of transport.
- Whether the proposed development implements or provides opportunity for safe pedestrian and cycling permeability.
- Development should not unreasonably reduce sunlight to nominated public open space. 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

Bicycle parking

- The design, location, accessibility and security (including suitable lighting and locking devices) of bicycle facilities.

Sustainability

- The proposed sustainability rating of the building.
- Whether sustainable water, waste and energy management is proposed.
- The extent to which the proposed landscape and design response contributes to a greener environment and reduces urban heat.

12.0**Mandatory permit conditions**

A permit granted for the construction of a building or to construct or carry out works must include the following conditions:

Green Star Rating

A permit granted to construct a new buildings or additions that contain 5000 square metres or more of gross floor area must include the following conditions:

- Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 5 Star Green Star Buildings rating with the Green Building Council of Australia (or equivalent third party accredited as built sustainability rating scheme).
- Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved a minimum 5 Star Green Star Buildings rating (or equivalent third party accredited as built sustainability rating scheme).

Alternative water supply

A permit granted to construct a new building must include the following conditions, unless otherwise agreed by the relevant water authority:

- A non-potable reticulated dual pipe to be installed to the satisfaction of the relevant authority to supply non-potable outlets within the development for any end use specified by the relevant authority unless otherwise determined in writing by the relevant water authority; and
- An agreed connection point to be provided for the non-potable reticulated dual pipe, designed and constructed to the satisfaction of the relevant authority, to ensure readiness to connect to a future non-potable water supply unless otherwise determined in writing by the relevant water authority.

13.0 Signs

All land shown on the Use and development framework plan (Map 1) in this schedule is in Category 3.

14.0 Required bicycle facilities

The following bicycle space requirements apply for the purposes of clause 52.34-5 of this planning scheme.

A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound. At least 50 per cent of resident bicycle spaces are to be floor mounted.

Table 1 – Bicycle spaces

Use	Employee/resident	Visitor/shopper/student
Dwelling	1 bicycle space to each one and two bedroom dwelling. 2 bicycle spaces to each three or more bedroom dwelling.	0.25 visitor bicycle spaces per dwelling.
Office (excluding Medical centre)	1 employee bicycle space to each 200sqm of net floor area.	1 bicycle visitor space to each 500sqm of net floor area.
Retail premises (excluding Shop)	1 employee bicycle space to each 300sqm of leasable floor area.	0.6 secure visitor bicycle spaces to each 100sqm of leasable floor area if the leasable floor area exceeds 500sqm.
Education Centre (excluding Child care)	1 secure bicycle space to each 10 employees.	3 bicycle spaces to each 10 pupils, for primary school

centre and Tertiary institution)	pupils this applies over year 4.
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15.0 Transitional provisions

None specified.