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SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

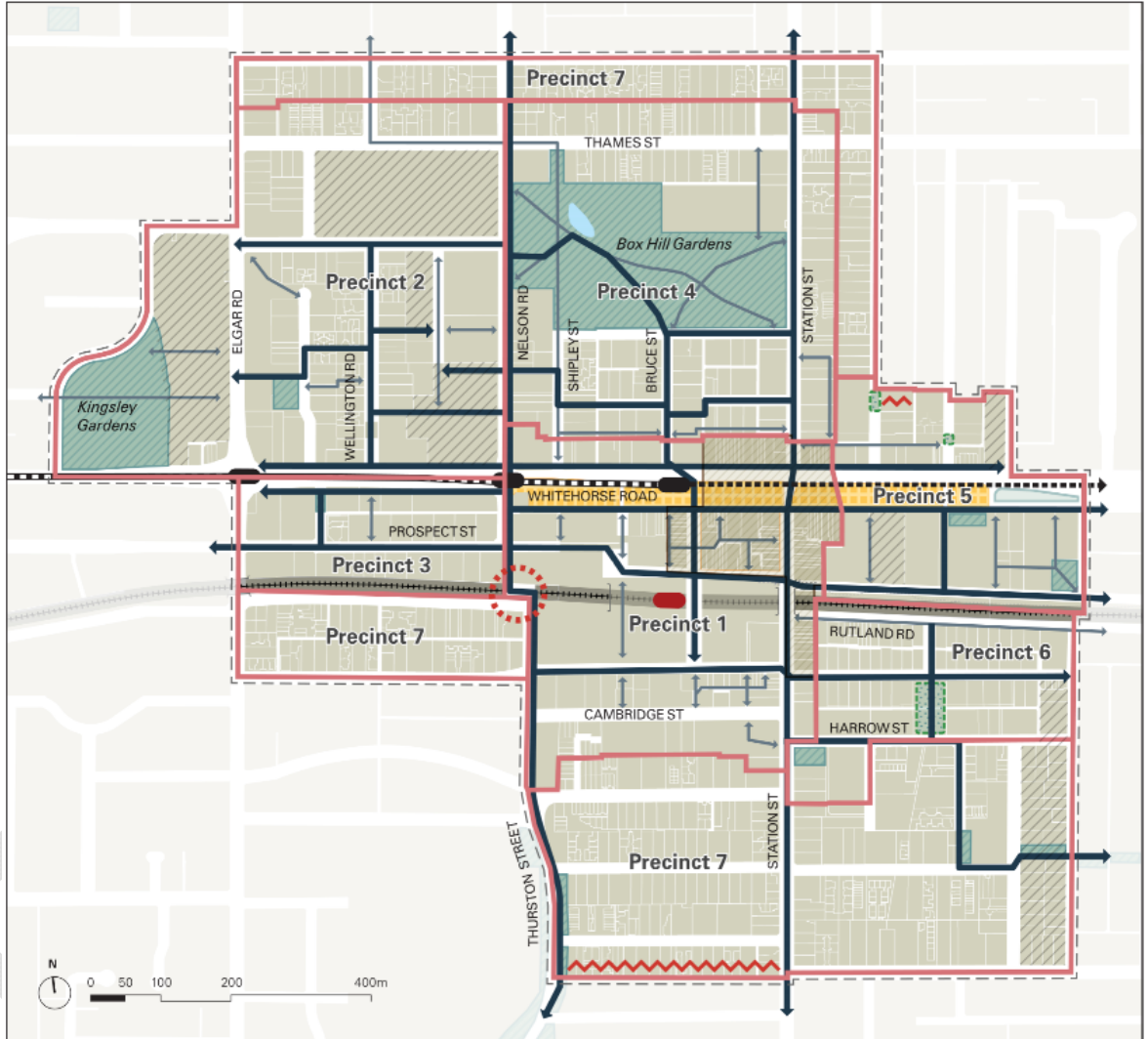
Shown on the planning scheme map as **ACZ1**

BOX HILL METROPOLITAN ACTIVITY CENTRE

1.0

Box Hill Metropolitan Activity Centre Framework Plan

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- | | | |
|--------------------------------|--|---|
| Activity Centre Boundary | Priority New Crossing over Rail | Precinct 1: Central Neighbourhood |
| Precinct Boundary | Whitehorse Road Transformation | Precinct 2: Health & Education Neighbourhood |
| Belgrave/Lilydale railway line | Primary Pedestrian Network — Primary Links | Precinct 3: Prospect Neighbourhood |
| Box Hill railway station | Local Pedestrian Network — Local Links | Precinct 4: Garden Neighbourhood |
| Tram route — existing | Existing Open Space | Precinct 5: Civic & Cultural Neighbourhood |
| Tram extension — potential | Future Open Space — potential | Precinct 6: Enterprise Neighbourhood |
| Tram stop — existing | Traditional Town Centre | Precinct 7: Transition Neighbourhood |
| Not in ACZ | Sensitive Residential Interface | |

2.0 Land use and development objectives to be achieved

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Land use and development

1. To develop the Activity Centre in a manner which provides for a diversity and proper distribution of shopping, business, civic, cultural, entertainment, employment and community activities.
2. To provide for additional employment opportunities by rebalancing the proportion of residential development into preferred locations.
3. To encourage greater residential diversity by providing a range of housing types, sizes and tenure in medium and high density form and which includes affordable housing.
4. To strengthen and expand the role of the Activity Centre as a focus for health, education, employment and enterprises at the State level. .

Built form and design

5. To promote the development of an interconnected network of distinctive, accessible, and vibrant neighbourhoods and then to ensure that development responds to the defined character of each neighbourhood.
6. To improve the amenity of the existing and proposed public realm, including the protection of streets and open spaces from overshadowing and wind impacts.
7. To ensure a high quality interface between buildings and the street at ground and lower levels and reduce the impacts of vehicle access and loading on footpaths and the public realm.
8. To promote building heights which provide clear views to the sky from the street, relate to the height of neighbouring buildings, site size, and the preferred character of the precinct.
9. To ensure buildings achieve high levels of sustainability and architectural excellence.

Transport and movement

10. To improve the Activity Centre's role and function as a public transport hub of metropolitan significance.
11. To ensure that the form of any development prioritises and encourages walking, cycling and use of public transport, including interchange between modes.
12. To allow for traffic movement in a manner that is controlled and managed and to ensure the function of the Activity Centre is not adversely impacted by through traffic.
13. To encourage more efficient use of car parking in and around the Activity Centre, including providing for consolidated and publicly accessible parking within buildings.

Public Realm and open space

14. To deliver sufficient and high quality public and publicly accessible spaces that promotes community health, social interaction and are safe.
15. To create streets, laneways and footpaths that promote good urban design and encourage walking and footpath activity.
16. To provide for trees and landscaping within the public realm that reflects and improves the landscape character of each precinct.
17. To encourage landscape opportunities within private land that makes a contribution towards the preferred landscape character of each precinct outlined in the *Box Hill Metropolitan Activity Centre to 2036 Structure Plan*.

3.0

Table of uses

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Section 1 - Permit not required

| Use | Condition |
|---|---|
| Accommodation (other than Camping and caravan, Corrective institution, Residential age care facility, Residential building, Retirement village, Group accommodation and Host farm) | Must not exceed the maximum percentage of allowable gross floor area specified in Table 1 at clause 4.1. Any frontage at ground level must not exceed 2 metres in Precinct 1, 2, 3, 5 or 6. The total number of dwellings or units must not exceed 15 per site in Precinct 1, 2, 3, 5 or 6. |
| Art and craft centre | Must be in Precinct 1 or 6. |
| Cinema | Must be in Precinct 1 or 5. |
| Cinema based entertainment facility | |
| Convenience shop | Must not be in Precinct 7. |
| Education centre (other than Child care centre, Primary school or Secondary school) | Must not be in Precinct 4 or 7. |
| Food and drink premises (other than Convenience restaurant) | Must be in Precinct 1. |
| Group accommodation | Must not be in Precinct 6. Must not exceed the maximum percentage of allowable gross floor area specified in Table 1 at clause 4.1. |
| Home based business | |
| Hospital | Must be in Precinct 2. |
| Industry (other than Research and development centre, Car wash and Motor repairs) | Must be in Precinct 6. Must not be a purpose listed in the table to clause 53.10 except for bakery and smallgoods production. |
| Informal outdoor recreation | |
| Market | Must be in Precinct 1, 5 or 6, or must be on land owned by a public land manager. Must have a designated access point on the ground level. |
| Medical centre | Must be in Precinct 1, 2 or 3. |
| Office (other than Medical centre) | Must not be in Precinct 7. In Precinct 4 leasable floor area must not exceed 250 square metres. |
| Place of worship | The gross floor area must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone. |
| Postal agency | Must not be in Precinct 7. |
| Primary school | Must not be in Precinct 6. |
| Railway | |
| Residential aged care facility Residential building (other than Residential hotel) | Must not exceed the maximum percentage of allowable gross floor area specified in Table 1 at clause 4.1. Must not be in Precinct 1, 3, 5 or 6. |

| | |
|---|---|
| Residential hotel | In Precinct 2 or 6 must not exceed the maximum percentage of allowable gross floor area specified in Table 1 at clause 4.1. Must not be in Precinct 7. |
| Retail premises (other than Food and drink premises, Gambling premises, Landscape gardening supplies, Manufacturing sales, Market, Motor vehicle, boat or caravan sales, Postal agency, Shop and Trade supplies) | Must be in Precinct 1. Must not exceed 250 square metres in leasable floor area in Precinct 2, 3, 4, 5 or 6. Must not be in Precinct 7. |
| Retirement village | Must not exceed the maximum percentage of gross allowable gross floor area specified in Table 1 at clause 4.1. Must not be in Precinct 6. |
| Research and development centre | Must be in Precinct 2 or 6. |
| Research centre | Must be in Precinct 2 or 6. |
| Secondary school | Must not be in Precinct 6. |
| Shop (other than Adult sex product shop, Restricted retail premises and Supermarket) | Must be in Precinct 1, 2, 3, 4 or 5. Must not exceed 250 square metres in leasable floor area in Precinct 2, 3, 4 or 5. |
| Supermarket | Must be in Precinct 1. |
| Tramway | |
| Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01 |

Section 2 - Permit required

| Use | Condition |
|--|--|
| Adult sex product shop | Must be in Precinct 1 or 6. |
| Brothel | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from Precinct 4 or 7, a residential zone, 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. The leasable floor area must not exceed 200 square metres. |
| Bus terminal | Must be in Precinct 1. |
| Car park Car wash | The site must adjoin, or have direct access to, a road in a Road Zone. |
| Commercial display area | Must not be in Precinct 4 or 7. |
| Convenience restaurant | Must be in Precinct 1 or the site must adjoin a road in a Road Zone. |
| Food and drink premises (other than Convenience Restaurant or Take away food premises) – where the Section 1 condition is not met | Must not be in Precinct 7, unless it adjoins a Road Zone. |
| Group accommodation – where the Section 1 condition is not met | Must not be in Precinct 6. |

| Use | Condition |
|--|--|
| Industry (other than Car wash and Motor repairs) – where the Section 1 condition is not met | Must not be in Precinct 4 or 7. Must not be a purpose listed in the table to Clause 53.10. |
| Landscape and gardening supplies | Must be in Precinct 6. |
| Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, Motor racing track) | |
| Manufacturing sales | Must not be in Precinct 4 or 7. |
| Medical centre – where the Section 1 condition is not met | The leasable floor area must not exceed 250 square metres. |
| Motor repairs | Must be in Precinct 6. |
| Nightclub | Must be in Precinct 1, 3 or 6. If in Precinct 6 must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone. |
| Office (other than Medical centre) | If in Precinct 7 must adjoin a road in a Road Zone and the leasable floor area must not exceed 250 square metres. |
| Place of assembly (other than Nightclub) | Must not be in Precinct 7. |
| Primary school | Must not be in Precinct 6. |
| Residential aged care facility | Must not be in Precinct 3 or 6. |
| Residential building (other than Residential hotel) | Must not exceed the maximum percentage of allowable gross floor area specified in Table 1. |
| Retirement village – where the Section 1 condition is not met | |
| Restricted retail premises | Must not be in Precinct 7. |
| Retail premises (other than Food and drink premises, Landscape and gardening supplies, Manufacturing sales, Shop and Trade supplies) – where the Section 1 condition is not met | Must not be in Precinct 7. |
| Secondary school | Must not be in Precinct 6. |
| Shop (other than Adult sex product shop, Restricted retail premises, Supermarket) – where the Section 1 condition is not met | Must not exceed a leasable floor area of 200 square metres in Precinct 6. Must not be in Precinct 7. |
| Service industry (other than Motor repairs, Car wash) | Must not be in Precinct 4 or 7. |
| Service station | The site must adjoin a road in a Road Zone |
| Supermarket – where the Section 1 condition is not met | Must not be in Precinct 7. |
| Take away food premises – where the Section 1 condition is not met | Must adjoin a road in a Road Zone. |
| Trade supplies | Must be in Precinct 1 or 6. |
| Transport terminal (other than Bus terminal and Road freight terminal) | Must be in Precinct 1, 3 or 5 |
| Warehouse (other than Commercial display area) | Must be in Precinct 6. |
| Any other use not in Section 1 or 3. | |

Section 3 – Prohibited**Use**

Agriculture (other than Domestic animal boarding and Market garden)
Camping and caravan park
Corrective institution
Host farm
Major sports and recreation facility
Motor racing track
Road freight terminal
Saleyard

4.0**Centre-wide provisions**--/20--
C--**4.1****Use of land**--/20--
C--**Requirements for all land uses**

A use must achieve the land use objectives at clause 2.0 and the relevant Precinct objectives of this schedule.

Where a requirement is expressed with the term ‘must’, a permit must not be granted to vary the requirement.

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

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

Affordable Housing

These requirements apply to land within Precincts 1, 2, 3, 5 and 6.

For a development of 16 or more dwellings, at least 6% of the dwellings must be Affordable housing unless otherwise agreed to by the responsible authority. If in calculating the number of Affordable housing dwellings the result is not a whole number, the number is to be rounded up to the nearest whole number.

Unless otherwise agreed to by the responsible authority, the Affordable housing should be social housing and be provided at no cost and:

- be transferred to an agency, a body or a person which provides affordable housing, including but not limited to Registered Housing Agencies, Rental Housing Agencies and other bodies established or recognised under the *Housing Act 1983*; or
- held in an affordable housing trust and managed for the sole purpose of Affordable housing as social housing.

Affordable housing has the meaning set out in the *Planning and Environment Act 1987*.

These requirements do not apply to the use of land in accordance with a planning permit for buildings and works granted before the approval date of Amendment C228.

Use of land for Accommodation (other than Camping and caravan park, Corrective institution, Dependent person’s unit and Host farm)

An application for use of land for Accommodation (other than Camping and caravan park, Corrective institution, Dependent person’s unit and Host farm) must not exceed the maximum percentage of allowable gross floor area specified in **Table 1** to this clause unless a development plan prepared and approved pursuant to clause 4.5 of this schedule provides for an alternative percentage.

The maximum percentage of allowable gross floor area associated with the Accommodation use does not include floor areas:

- in a basement.
- used for car parking, services, and communal spaces shared between uses.

This requirement does not apply to a Residential hotel if located outside Precinct 2 or Precinct 6.

Table 1 Maximum percentage of allowable gross floor area

| Precinct | Maximum percentage of allowable gross floor area |
|------------|--|
| Precinct 1 | 50% |
| Precinct 2 | 30% |
| Precinct 3 | 30% |
| Precinct 4 | 100% |
| Precinct 5 | 30% |
| Precinct 6 | 30% |
| Precinct 7 | 100% |

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Subdivision

Any land which is subdivided should incorporate the primary and local pedestrian network links generally in accordance with the Framework Plan in clause 1.0 of this schedule.

An application to subdivide land in Precinct 7, other than an application to subdivide land into lots each containing an existing dwelling, must meet the relevant requirements of Clause 56.

Land used as a commercial car park or land which comprises the car parking associated with another land use must not be subdivided into car parking lots or accessory lots and must be retained in a single consolidated title or as part of common property except with the consent of the responsible authority.

A permit granted must include, where relevant, a condition requiring the following:

- A Section 173 Agreement to be entered into between the land owner, the responsible authority, and Council (if not the responsible authority) to the effect of:
 - Requiring the land owner to construct the primary and/or local pedestrian network links shown in the Framework Plan at clause 1.0 of this schedule and keep it accessible to the public; and
 - if agreed to by the Whitehorse City Council may provide for the vesting of the land in Council or the provision of a carriageway easement.

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Buildings and works

No permit is required for the following:

- The installation of an automatic teller machine.
- An alteration to an existing building facade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- Construction or extension of an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the outbuilding does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

Precinct 4: Garden Neighbourhood and Precinct 7: Transition Neighbourhood

No permit is required to:

- Extend one dwelling on a lot of 500 square metres or more.
- Construct one dependant person’s unit on a lot.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

A development must meet the requirements of Clause 54.

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

4.4 Design and development

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

Where a requirement is expressed with the term ‘must’, or listed as a mandatory requirement in the Tables below, a permit must not be granted to vary the requirement unless the building and works are consistent with a development plan approved pursuant to clause 4.5 of this schedule.

All other requirements in this schedule should be met.

4.4-1 Overshadowing

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Objectives

To protect public spaces and the primary pedestrian network as shown on the Framework Plan at clause 1.0 of this schedule from overshadowing.

To enhance the amenity and quality of the public spaces.

To inform acceptable maximum building heights.

Requirements

Buildings and works must meet the overshadowing requirements in accordance with the requirements in **Table 2** to this clause.

A permit cannot be granted for buildings and works which would cast any additional shadow* across a space listed within **Table 2** to this clause and shown in **Figure 1** to this clause during the hours and dates specified.

The overshadowing requirements in this clause do not apply to:

- Shadows cast by a street wall that meets the preferred street wall heights and setbacks specified in **Map 4** of this schedule and **Map 5** of this schedule.
- Shadows cast by existing buildings.
- Shadows cast by buildings and works constructed within the public open space.
- Shadows cast by a building constructed in accordance with a development plan approved pursuant to clause 4.5 of this schedule.

The overshadowing protection areas that apply along streets or roads are to be measured 6 metres from the property boundary to the existing kerb.

Sites identified as Sensitive Residential Interfaces on the Framework Plan at clause 1.0 of this schedule must meet the overshadowing open space objective at Clause 54.04-5 or Clause 55.04-5 and should meet Standard A14 of Clause 54.04-5 or Standard B21 of Clause 55.04-5.

Table 2: Overshadowing – mandatory requirement

| Space (as per Figure 1) | Mandatory Requirement | Hours between | Date(s) |
|---|-----------------------------|---------------|--------------|
| Ashted Road Reserve Box Hill Gardens Future Ellingworth Parade Open Space Future Whitehorse Road Open Space (Central) Glenmore Street Reserve Kingsley Gardens Linsley Park Market Street and Main Street Pioneer Park Town Hall Forecourt | No additional overshadowing | 11am-2pm | June 22 |
| Future Court Street Open Space Future Watts Street Open Space Future Whitehorse Road Open Space (West) Future Whitehorse Road Open Space (East) | No additional overshadowing | 11am-2pm | September 22 |

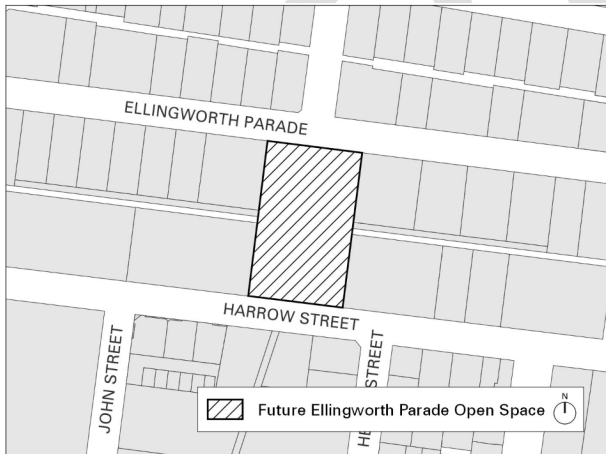
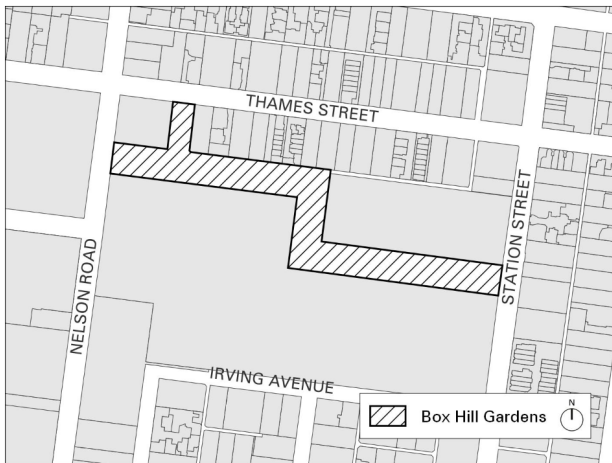
A permit cannot be granted for buildings and works that could cast any additional shadow* across a space listed within **Table 3** to this clause and shown in **Map 1** to this clause during the hours and dates specified.

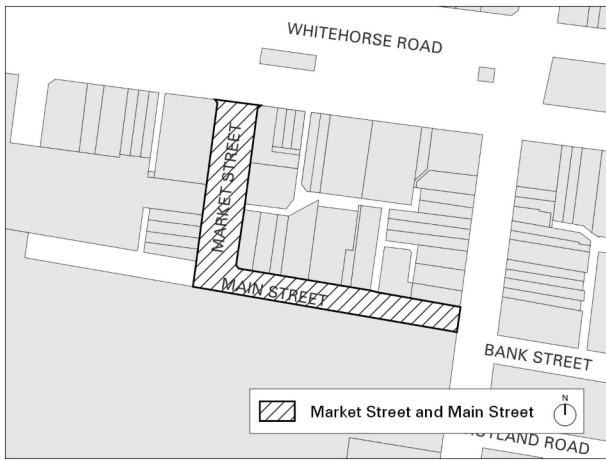
Table 3: Overshadowing – mandatory requirement

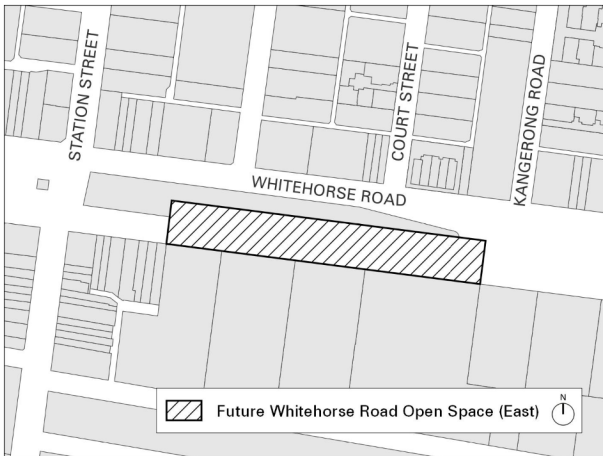
| Streets and Laneways (identified in Map 1) | Mandatory Requirement | Hours between | Date(s) |
|--|--|---------------|--------------|
| North-South Street | No additional overshadowing on any part of the opposite footpath, measured 6 metres from the property boundary | 11am-2pm | September 22 |
| East-West Street | No additional overshadowing to south footpath, measured 6 metres from the property boundary | 11am-2pm | September 22 |

**Additional shadow means any shadow cast outside any existing shadow from buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screening elements or trees.*

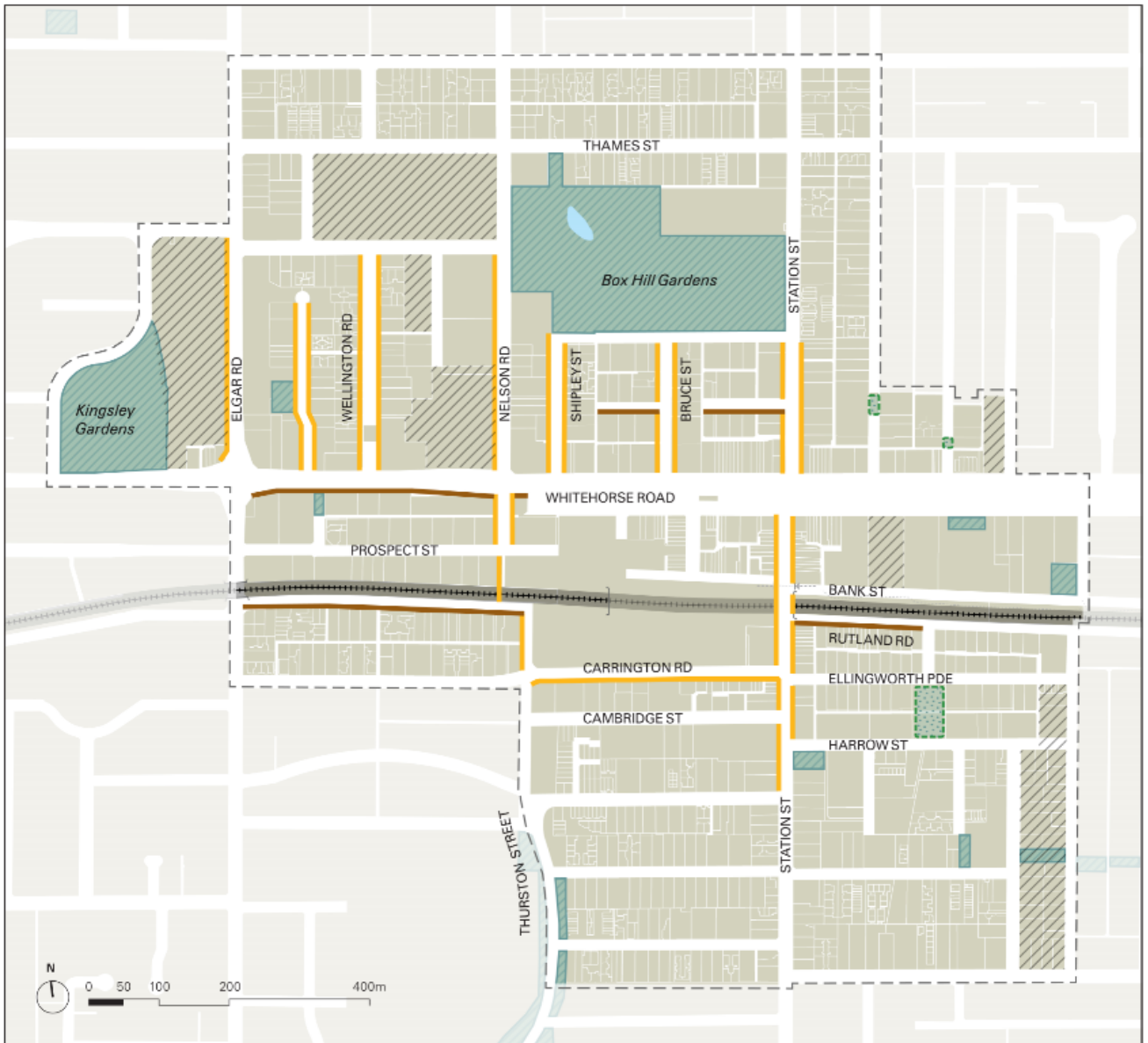
Figure 1: Overshadowing protection areas







Map 1: Overshadowing Protection Areas



- | | |
|--|---|
| [- -] Activity Centre Boundary | <i>Overshadowing protection footpaths</i> |
| [- - -] Belgrave/Lilydale railway line | — North-South Street |
| [- -] Existing Open Space | — East-West Street |
| [- - -] Future Open Space | |
| [- - -] Not in ACZ | |

4.4-2 Building height

Objectives

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To ensure building height responds to the vision and preferred character for the precinct, and respects adjoining and nearby development.

To minimise amenity impacts caused by building height on public spaces and the primary pedestrian network.

To ensure that the circumstances where a development may exceed the preferred maximum building height are clearly identified.

Requirements

Buildings and works should not exceed the preferred maximum building height specified in **Map 2** to this clause. The preferred maximum building height may not be achieved on every site, particularly smaller sites, sites adjoining heritage places and/or constrained sites.

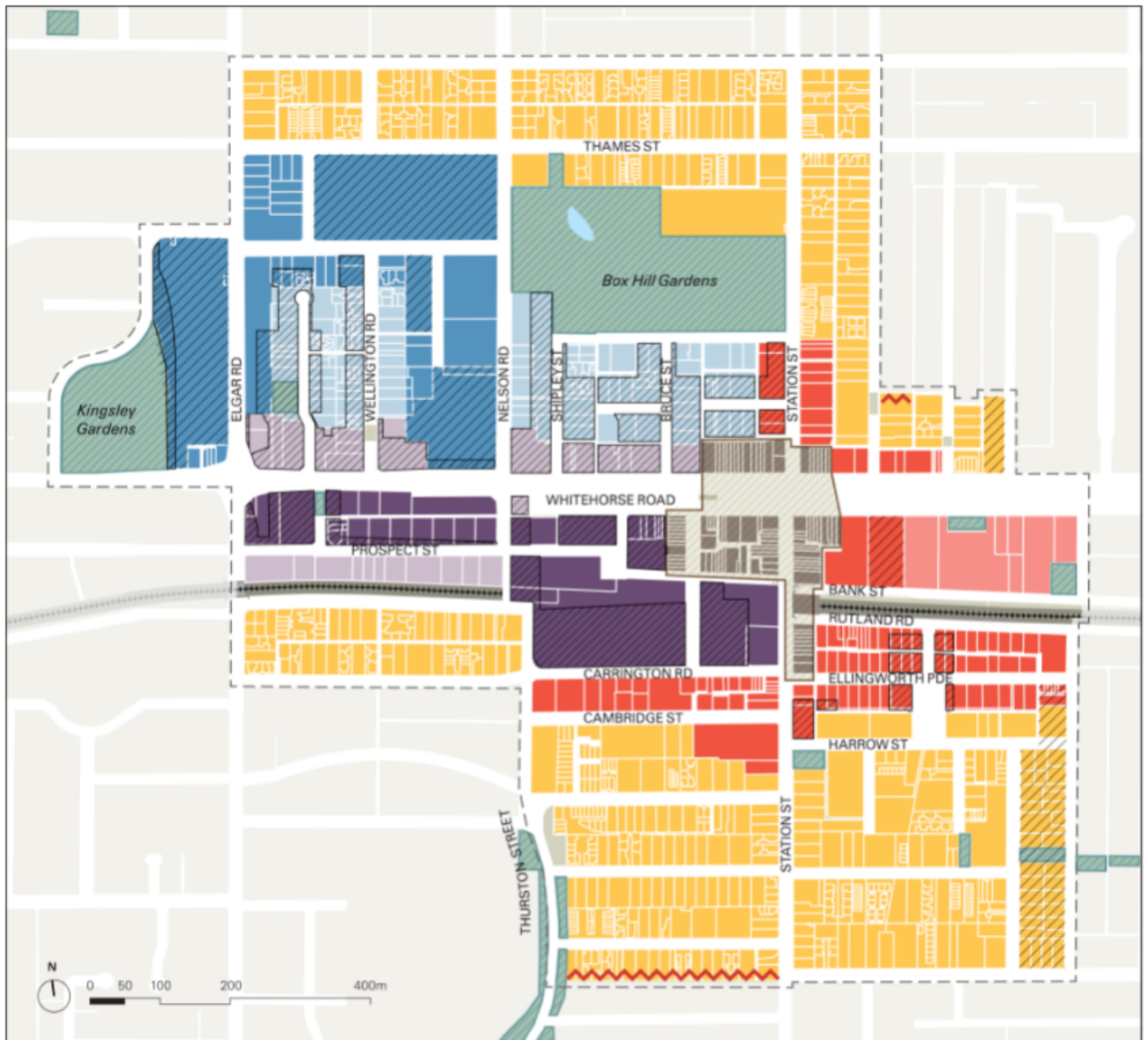
The preferred maximum building height may be exceeded only where the Floor Area Uplift is accompanied by or directly facilitates:

- delivery of future open space, primary or local pedestrian network as specified in the precinct maps; or
- employment growth; or
- the provision of affordable housing.

* **Floor Area Uplift** means the floor area of the building(s) that exceeds the preferred maximum building heights.

Where the preferred maximum building height will create shadows that do not meet the mandatory overshadowing requirements specified in **Table 2** and **Table 3** of this schedule, the mandatory overshadowing requirement prevails.

Map 2: Preferred maximum building height



- | | | | |
|--|------|-------|---|
| [---] Activity Centre Boundary | 120m | 18m | [Hatched] Locations where overshadowing controls will reduce permitted height below preferred maximum building height |
| [Hatched] Belgrave/Lilydale railway line | 90m | 13.5m | |
| [Green] Existing Open Space | 52m | | |
| [Brown] Traditional Town Centre | 42m | | |
| [Red wavy] Sensitive Residential Interface | 28m | | |
| [Diagonal lines] Not in ACZ | 21m | | |

4.4-3 Wind effects

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Objectives

To protect and improve the amenity and quality of the public realm.

To achieve a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting and standing.

Requirements

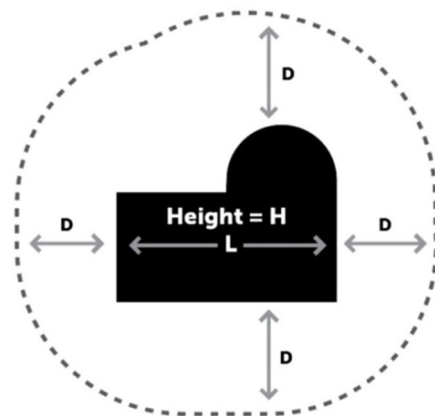
Buildings and works higher than 18 metres:

- must not cause unsafe wind conditions as specified in **Table 4** to this clause in publicly accessible areas within the Assessment Distance from all façades; and
- should achieve comfortable wind conditions as specified in **Table 4** to this clause in publicly accessible areas within the Assessment Distance from all façades as set out in **Map 3** to this clause.

The Assessment Distance is shown in **Diagram 1** below and is the greater of:

- half the longest width of the building;
- half the total height of the building.

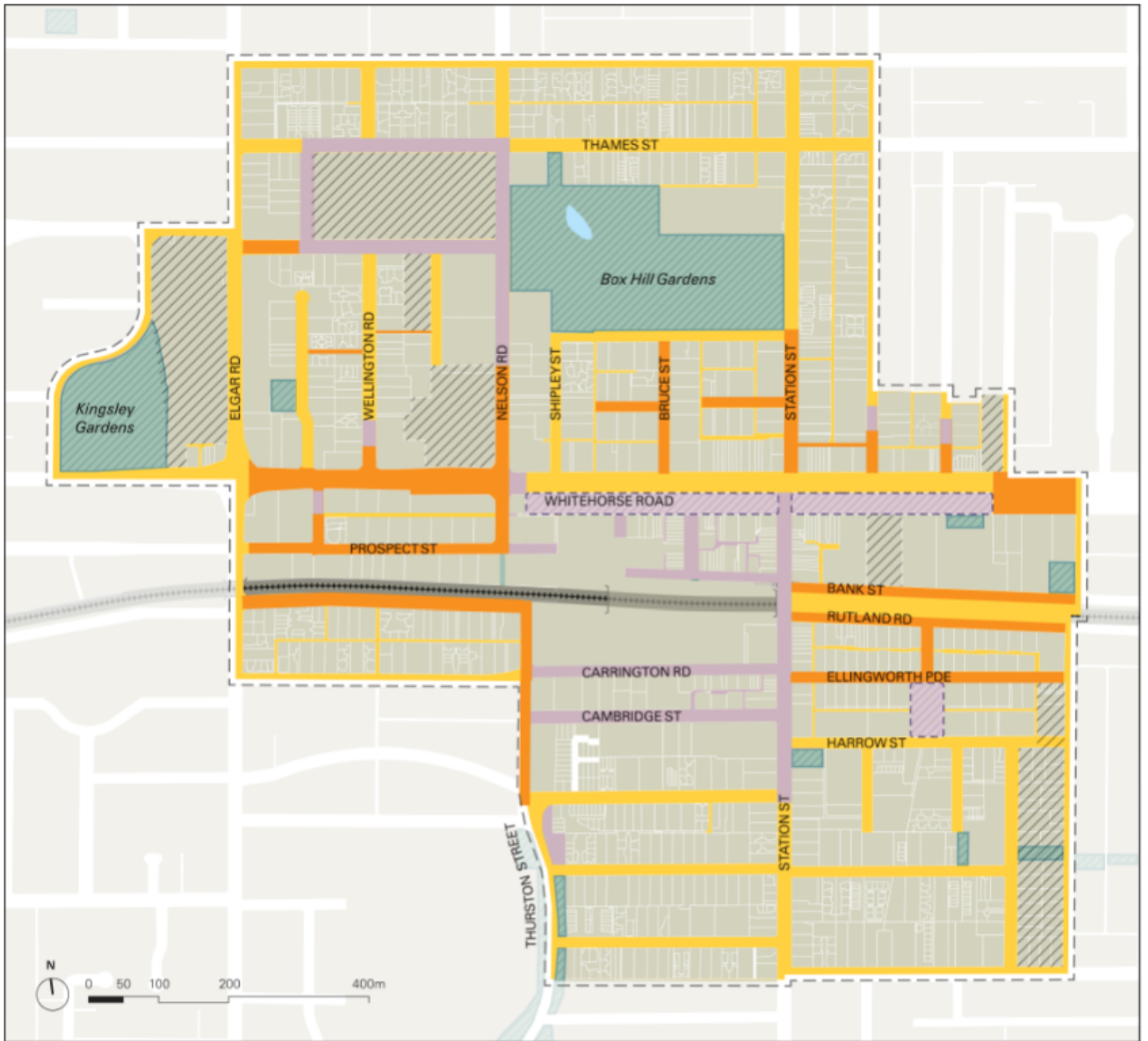
Diagram 1: Wind assessment distance



Assessment distance D = greater of:
 L/2 (Half longest width of building)
 OR
 H/2 (Half overall height of building)

Wind amelioration measures should be integrated into the design and architecture of the building rather than comprise “bolt-ons”.

Map 3: Wind effects



- | | |
|--------------------------------|--------------------------------------|
| Activity Centre Boundary | Walking areas (5m/s) |
| Belgrave/Lilydale railway line | Standing areas (4m/s) |
| Existing Open Space | Sitting areas (3m/s) |
| Not in ACZ | Future/proposed sitting areas (3m/s) |



Table 4: Wind conditions

| Wind condition | Mandatory Requirement |
|-----------------------------|---|
| Unsafe wind conditions | The hourly maximum 3 second gust from any wind direction (considering at least 16 wind directions) with a corresponding probability of exceedance percentage greater than 20 metres per second. |
| Wind condition | Preferred Requirement |
| Comfortable wind conditions | <p>The hourly mean wind speed from all wind directions combined with a probability of exceedance of 20 per cent, is less than or equal to:</p> <ul style="list-style-type: none"> - 3 metres/second for sitting areas. - 4 metres/second for standing areas. - 5 metres/second for walking areas. <p>Hourly mean wind speed is the maximum of:</p> <ul style="list-style-type: none"> - The hourly mean wind speed. - The gust equivalent mean speed (3 second gust wind speed divided by 1.85). |

4.4-4

Street wall height

Objectives

To create human scale buildings to define the street edge and create a sense of enclosure without overwhelming the public realm.

To create a clearly defined building base that relates to the width of streets and laneways.

To improve the amenity of the public realm and allow access to daylight and mitigate wind effects at ground level.

Requirements

On the Primary street frontage, Street wall height should not exceed the height as shown in **Map 4** to this clause.

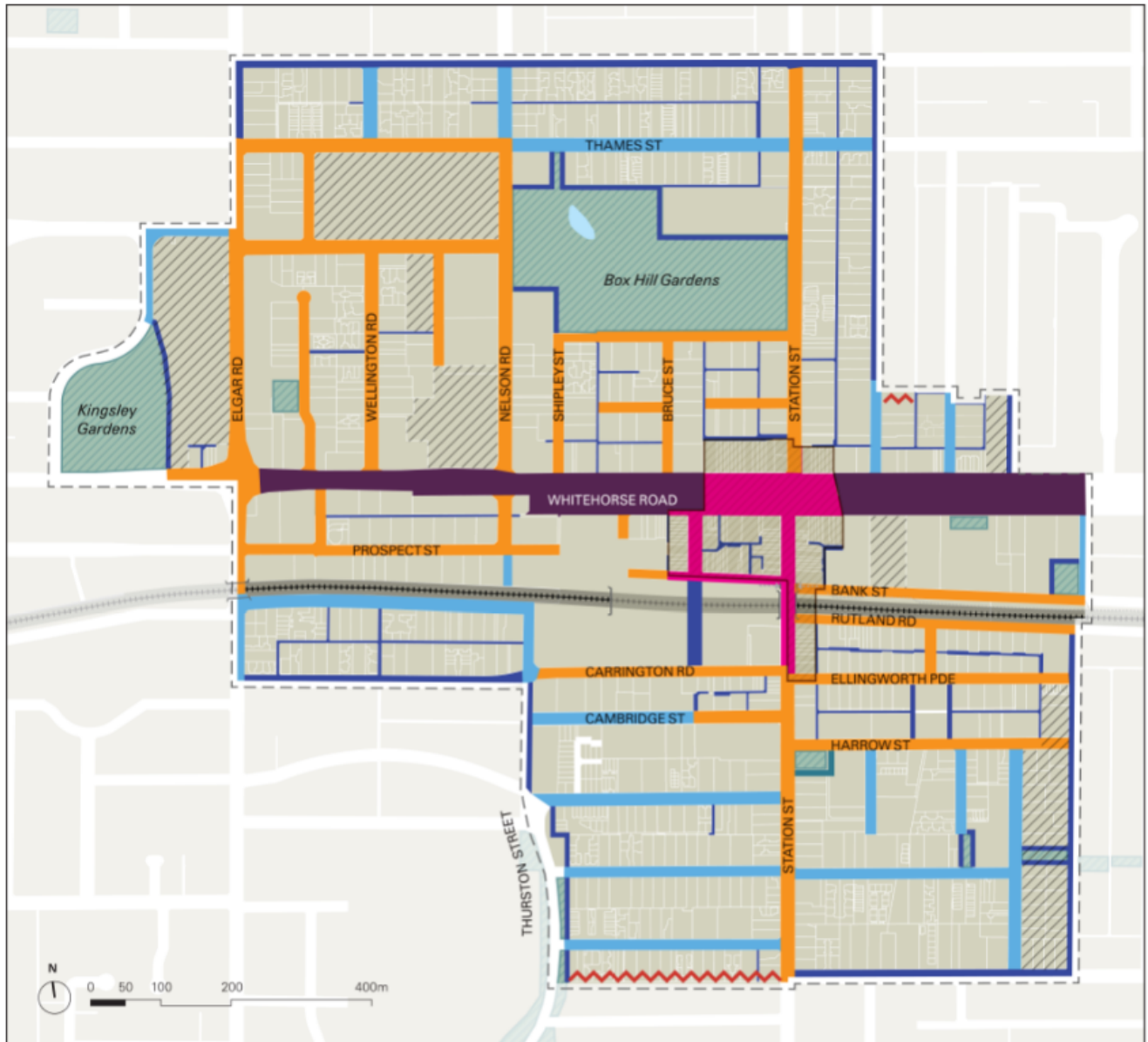
In the area identified as Traditional Town Centre in **Map 4** to this clause, existing Street wall height should be maintained. New Street wall should respond to the Street wall height of adjoining buildings.

Street wall height to Laneway and the primary pedestrian network should not exceed 11 metres.

On corner sites with side and/or rear frontages to streets or Laneways, a corner transition height that adopts the higher Street wall height applies, transitioning to the lower Street wall height within 30m of the corner.

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Map 4: Street wall height



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|---------------------------------|------------------------------------|
| Activity Centre Boundary | 30m |
| Belgrave/Lilydale railway line | 20m |
| Existing Open Space | 13.5m |
| Traditional Town Centre | 11m |
| Sensitive Residential Interface | Retain existing street wall height |
| Not in ACZ | |

4.4-5 Street wall setback

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Objectives

To provide for an enhanced public realm with provision for widened footpaths and landscaping, including canopy trees.

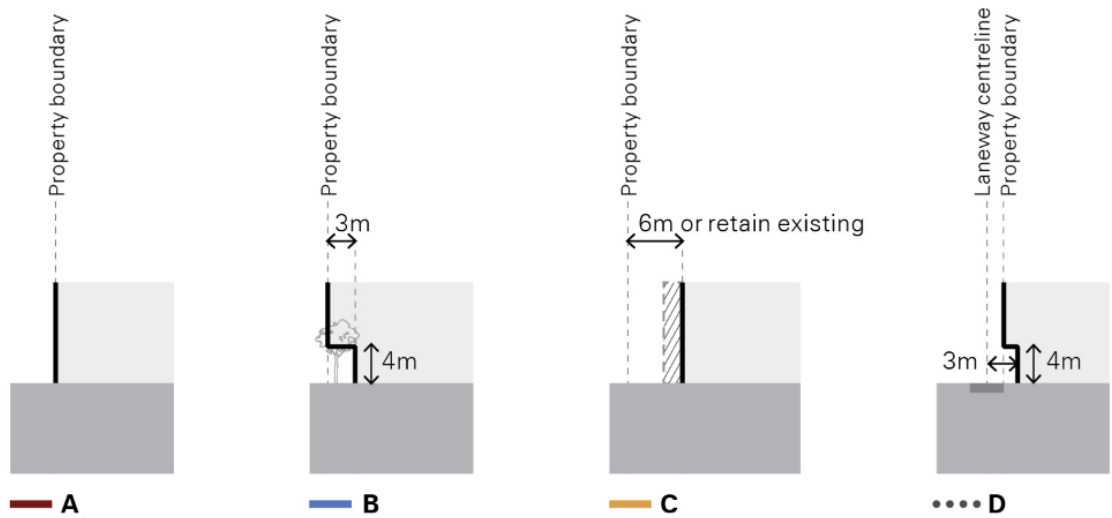
To ensure built form appropriately defines the street and provides a high quality ground level interface.

To provide for an appropriate transition to adjoining heritage places when viewed from the public realm.

Requirements

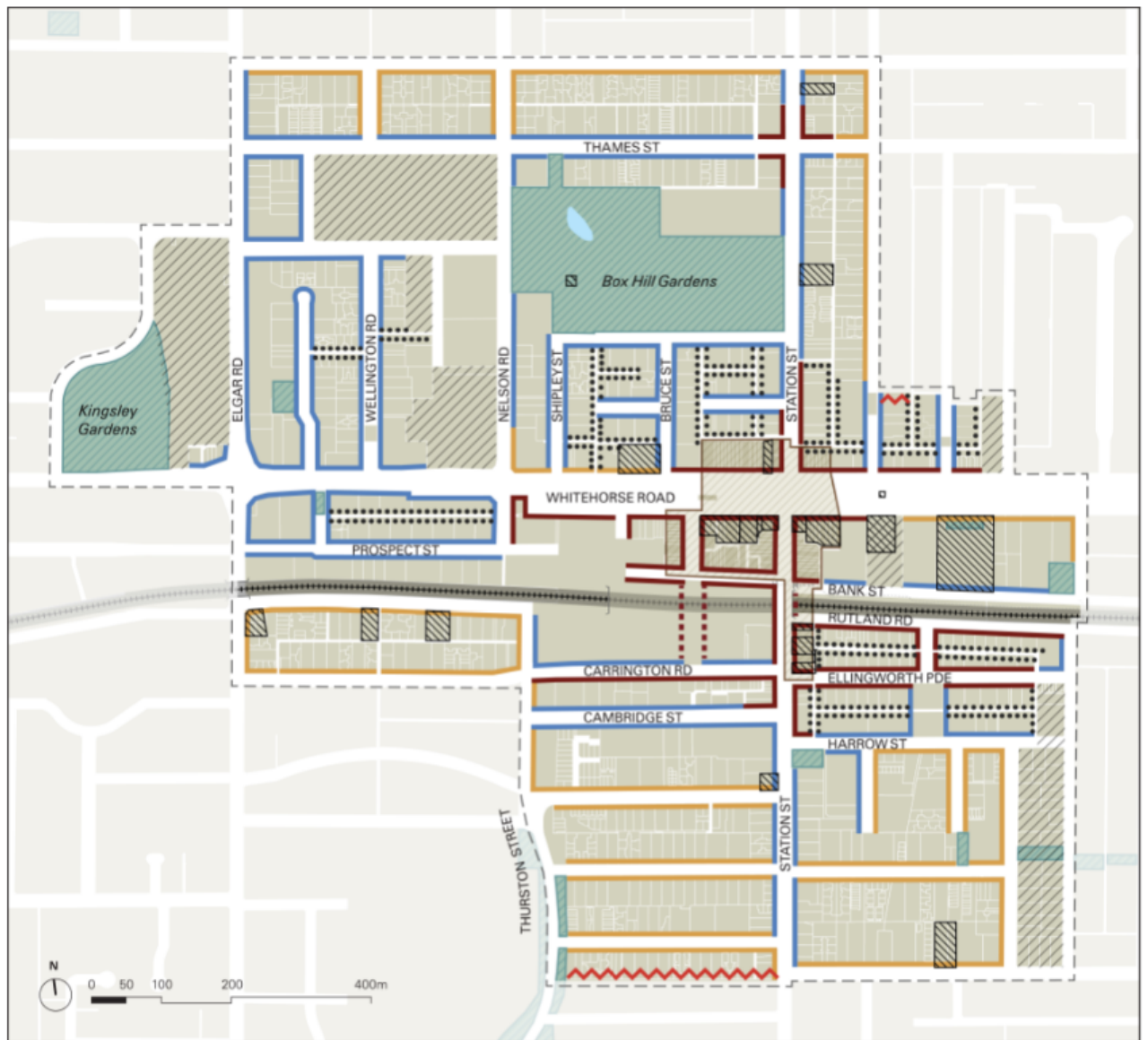
Street walls should provide the setbacks shown in **Map 5** and **Diagram 2** to this clause.

Diagram 2: Type of street wall setback



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Map 5: Street wall setback



- | | |
|--|---|
| [- - -] Activity Centre Boundary | — Type A – 0m |
| [- - -] Belgrave/Lilydale railway line | [- - -] Type A – 0m (future) |
| [Green] Existing Open Space | [Blue] Type B – 3m |
| [Tan] Traditional Town Centre | [Orange] Type C – Retain existing or 6m, whichever is greater |
| [Red wavy] Sensitive Residential Interface | [Dotted] Type D – 3m from laneway centreline |
| [Hatched] Heritage Overlay | |
| [Diagonal lines] Not in ACZ | |

4.4-6 Setback above the Street wall

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Objectives

To ensure that buildings have a clearly defined base and any taller elements are visually recessive so as to promote a human scale to the street.

To maximise daylight and sunlight in streets, laneways and other public realm.

To deliver comfortable wind conditions in the public realm.

To ensure appropriate levels of privacy and outlook are achieved.

To allow for views to the sky, when viewed from the streets and Laneways.

Requirements

Any part of the building above the maximum Street wall height specified in **Map 5** and **Diagram 2** to this schedule:

- should be set back from the Street wall the Preferred setback specified in **Table 5** to this clause; and
- must be setback from the Street wall at least the Mandatory setback specified in **Table 5** to this clause;

The setback from a street or laneway must be measured from the centreline of the street or laneway. A negative value setback must be interpreted as a zero setback.

Table 5: Upper level setbacks above the street wall

| Overall building height | Mandatory setback | Preferred setback |
|---|---------------------------------|-------------------|
| In Traditional Town Centre (as shown on Map 4 to clause 4.4-4) | | |
| Below 17.5 metres | 6 metres for heritage buildings | 6 metres |
| All other areas | | |
| Below 28 metres | | 4.5 metres |
| 28 metres or greater | | 6 metres |
| 52 metres or greater | | 10 metres |

Note: The setbacks are determined by overall building height and apply as a single upper level setback to all parts of the building above the street wall. They do not apply incrementally to sections of building up to the height specified. Setback is the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the property boundary.

4.4-7 Setbacks from side and rear boundaries

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Objectives

To allow equitable access to sunlight and daylight to lower levels of buildings and to existing and potential development on adjoining sites.

To ensure buildings do not appear as a continuous wall, and to allow for views to the sky when viewed from street level.

To ensure setbacks provide for appropriate levels of privacy and outlook, and minimise the need for screening.

Requirements

A building should be setback as specified in **Table 6** to this clause.

Setbacks from boundaries identified as sensitive residential interfaces should meet the relevant requirements of Clause 55 as set out at Clause 4.4.12 of this schedule.

Table 6: Side and rear setback requirements

| Qualification | Overall building height | Preferred setback |
|---|-------------------------|-------------------|
| Side and rear setbacks below the street wall (if the building is not within 300mm of a side or rear boundary) | Below 28 metres | 4.5 metres |
| | 28 metres or greater | 6 metres |
| | 52 metres or greater | 10 metres |
| Side and rear setbacks above the street wall (if the building is built to the boundary) | Below 28 metres | 4.5 metres |
| | 28 metres or greater | 6 metres |
| | 52 metres or greater | 10 metres |

4.4-8 Building separation within a site

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Objectives

To ensure that adequate spacing is provided between buildings to provide an appropriate level of amenity for future occupants, having regard to outlook, daylight and overlooking.

To avoid direct views between buildings within the same site, ensure appropriate levels of privacy, and minimise the need for screening.

To ensure buildings do not appear as a continuous wall, and to allow for views to the sky when viewed from the street or laneway.

Requirements

Buildings within the same site in Precincts 1, 2 and 3:

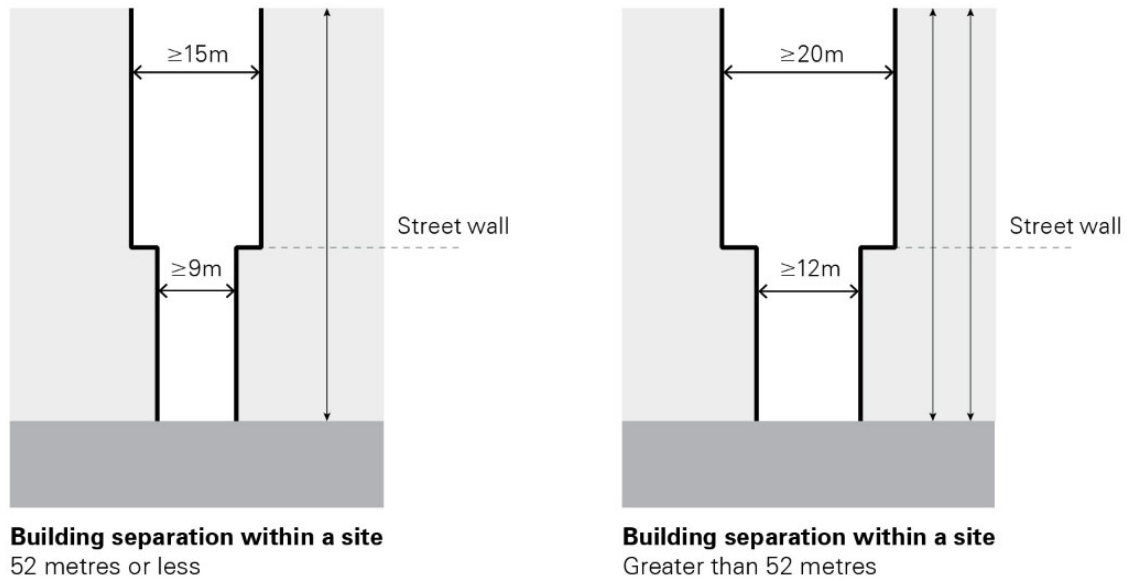
- should be separated from each other by at least the Preferred building separation specified in **Table 7** to this clause; and
- must be separated from each other by at least the Mandatory building separation specified in **Table 7** to this clause.

Architectural features, but not balconies, may encroach into the Mandatory building separations.

Table 7: Building separation within a site

| Part of building | Building height | Preferred building separation |
|------------------------------|----------------------|-------------------------------|
| Below the street wall height | Below 52 metres | 9 metres |
| | 52 metres or greater | 12 metres |
| Above the street wall height | Below 52 metres | 15 metres |
| | 52 metres or greater | 20 metres |

Diagram 3: Building separation within a site



4.4.9 Street interface and activation

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Objectives

To improve the quality of buildings at the ground level and the interfaces of frontages.

To provide a variety of activated street frontages that respond to the site and precinct context.

To provide for passive surveillance to improve real and perceived safety.

To minimise the impact of car parking and building services on the public realm.

Requirements

Buildings should:

- Address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.
- Address both street frontages if the building is on a corner.
- Create activated building façades with windows and legible entries.
- Avoid external steps or pronounced level changes at ground level that visually and physically separate the building from the street.
- Avoid unsafe indents with limited visibility.
- Provide openable windows and balconies within the street wall along streets and laneways.
- Ensure legible, accessible and clear sight lines from the street to maximise visibility.

Buildings with residential development at ground level should:

- create a sense of address by providing direct individual entries to dwellings or home offices, where practicable.

Buildings fronting the Urban Core Street, Urban Activity Street and Active Laneway as shown on **Map 6** to this clause, should:

- Achieve a diversity of fine-grain frontages.
- Provide canopies over footpaths where retail, hospitality and entertainment uses are proposed.
- Provide entries, glazing and weather protection as specified in **Table 8** to this clause.

- Not include blank walls or facades.

Buildings abutting existing or future open spaces should:

- provide habitable rooms and/or balconies orientated towards the open spaces to maximise interaction and passive surveillance.

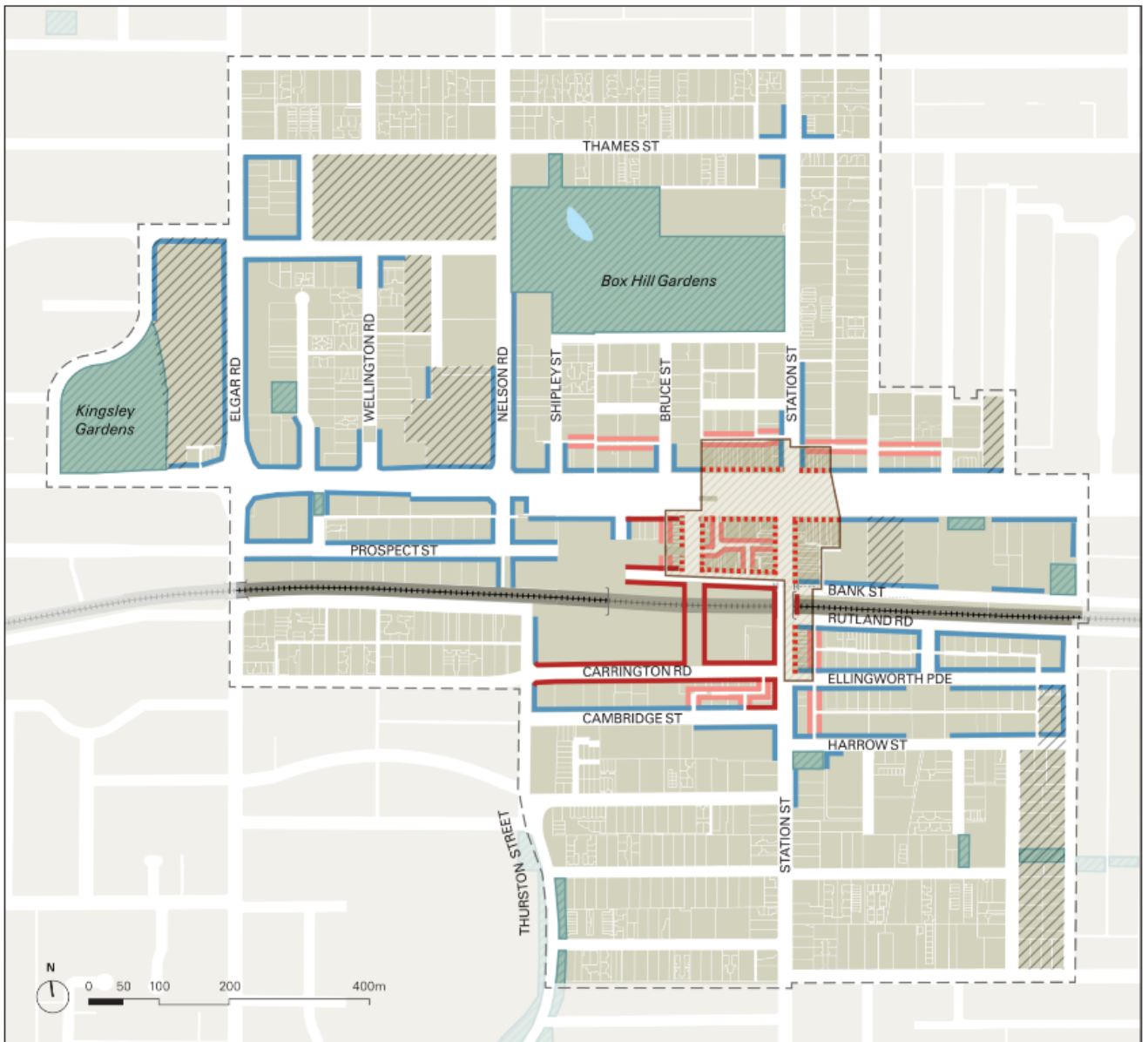
Car parking located within podium levels should:

- be sleeved with active uses so that it is not visible from the public realm or adjoining sites.

Table 8: Active street frontages

| Streets shown on Map 6 | | Active street frontage outcomes | |
|------------------------------|--|---|--|
| Description | Entries | Glazing | Weather protection |
| Urban Core Street | Multiple entrances for individual tenancies from the street, providing a regular rhythm of access and activation | At least 80 per cent clear glazing along the ground level frontage to a height of 2.5 metres, excluding any solid plinth or base. Window advertising and /or branding should allow for at least 80 per cent clear views. Operable windows and detailing that engages with the street. Grilles or mesh should provide a high level of transparency where they are used. | Functional and continuous canopies or similar weather protection should be provided to provide a high amenity environment for walking throughout the core. |
| Urban Activity Street | Entrances are clearly visible from the street to encourage wayfinding. Orient active uses towards the street frontage. | At least 30 per cent clear glazing along the ground level frontage to a height of 2.5 metres, excluding any solid plinth or base. | Where non-residential uses are proposed at ground level, the provision of canopies or similar weather protection is encouraged where it does not impact on street trees. |
| Active Laneway | Locate secondary entrances towards laneways and uses that will activate the laneway. Where service entries and loading cannot be avoided, these should be recessed and not read as forming part of the primary frontage. | Provide clear glazing, to the maximum extent practicable, along the ground level frontage to a height of 2.5 metres, excluding any solid plinth or base. Encourage operable windows and detailing that engages with the laneway. | None specified. |

Map 6: Active street frontages



- | | |
|--------------------------------|--|
| Activity Centre Boundary | Urban Core Street |
| Belgrave/Lilydale railway line | Urban Core Street – retain rhythm of existing fine grain frontages |
| Existing Open Space | Urban Activity Street |
| Traditional Town Centre | Active Laneway |
| Not in ACZ | |

4.4.10 Vehicle access, car parking, loading and services

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Objectives

To improve the quality of buildings at the ground level and the interfaces of frontages.
 To minimise the impact of vehicle access, car parking, loading and services on the streets.
 To ensure high levels of amenity and safety for pedestrians.

Requirements

Buildings should be designed to:

- Locate car parking underground. Where car parking is located above ground, car parking should be sleeved with active uses so that it is not visible from the public realm or adjoining sites. Allow for the adaption of car parking areas for other uses over time by providing floor to floor heights of at least 3.5 metres within the lower levels of the building up to the height of the street wall.
- minimise the number of vehicular access points within each site to prioritise the experience and safety of pedestrians.

Vehicular access to car parking and loading areas should be provided as specified in **Table 9** to this clause.

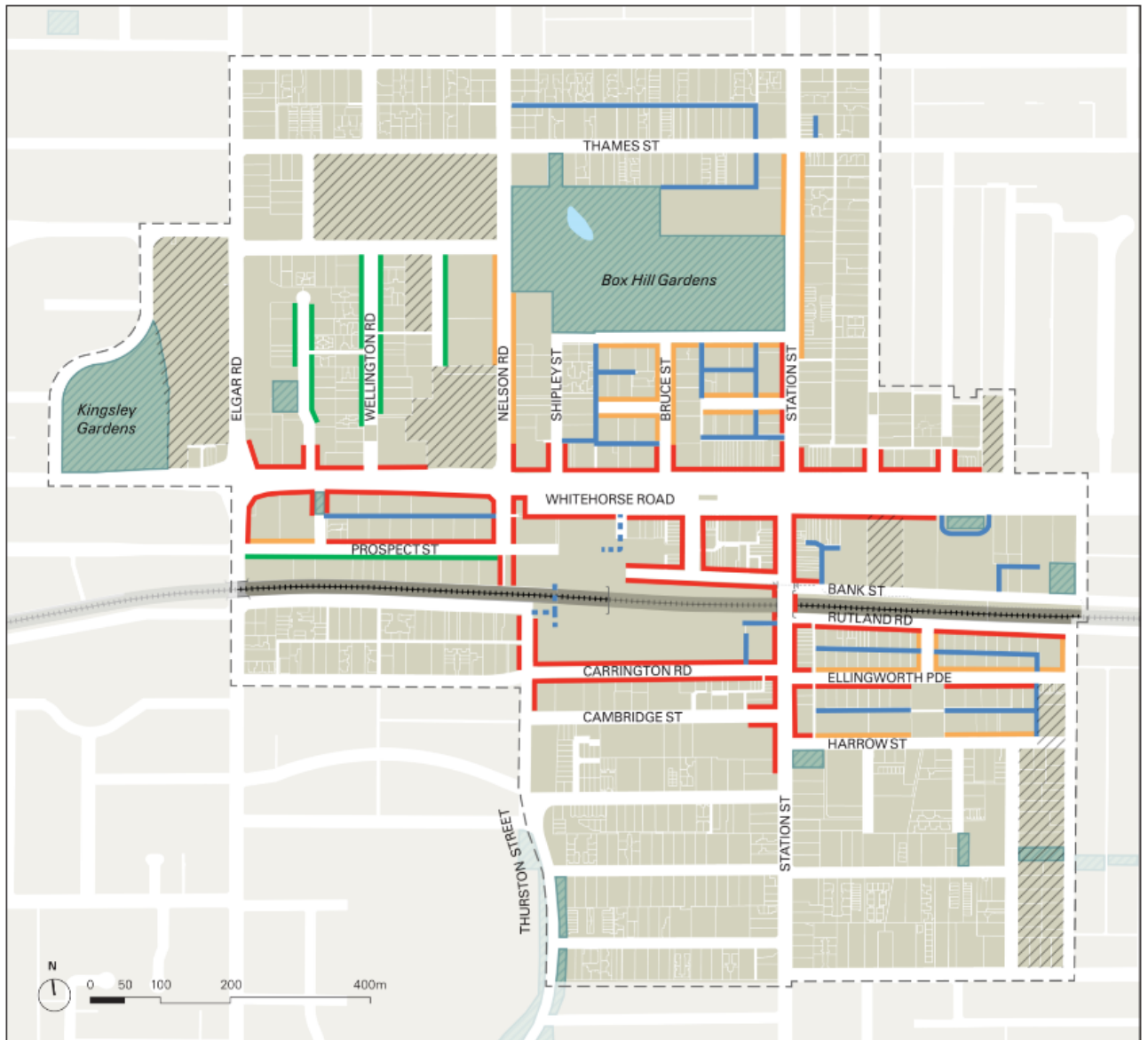
Table 9: Vehicular access to car parking and loading areas

| Location on Map 7 to this clause | Requirement |
|---|---|
| Service lane and proposed service lane – preferred access | Vehicle access should be provided via the lane |
| No crossovers permitted | No new crossover is allowed. Existing crossovers are encouraged to be removed or relocated. |
| Crossovers strongly discouraged | No new crossover is allowed unless there is no alternative access point |
| Shared crossovers strongly encouraged | vehicle access should be located at the side boundary to allow for sharing of crossover between adjoining sites |

Services and waste management facilities should be located away from street frontages, and preferably within basements.

Services should be consolidated within sites and buildings, and any externally accessible services or substations should be integrated into the design of the building façade.

Map 7: Vehicle Access Plan



- | | |
|----------------------------------|---|
| [- -] Activity Centre Boundary | — Service laneway – preferred access |
| Belgrave/Lilydale railway line | - - - Proposed service laneway – preferred access |
| Existing Open Space | — No crossovers – strongly discouraged |
| Not in ACZ | — Crossovers discouraged |
| | — Shared crossovers strongly encouraged |



4.4.11 Architecture, articulation, materials and finishes

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Objectives

To ensure high quality architecture that demonstrates both a considered approach to the massing and to the design detailing.

To encourage the use of high quality, robust, materials at all levels that provide durable and sustainable buildings and contribute to an enhanced interface with the public realm.

Requirements

Buildings should be detailed to:

- establish a fine grain rhythm and scale within the façade.
- provide visual interest to streets and public spaces.
- avoid blank walls or facades.
- integrate landscape opportunities.

Buildings with a frontage of more than 45 metres should be designed to create two or more building components with distinct architectural expressions as follows:

- The frontage length of each architectural component should not exceed the height of the street wall.
- The building mass is broken up by providing a recess in the street wall, at least every 45 metres, that has a minimum setback of 6 metres from the façade of adjoining building elements and a minimum width of 6 metres. Each frontage either side is architecturally distinct from the other and responds to the predominant street grain patterns in its articulation and detail.
- The depth of the separation should be no less than the upper level setback above the street wall for the full height of the building.

Sites with multiple buildings should be designed and detailed to create distinctive groups of building elements (including building entrances, balconies and balustrades, awnings, planters, pergolas, boundary walls and fences).

Buildings with frontages to land in a Road Zone should use materials and finishes with a perpendicular reflectivity less than 20 per cent, measured at 90 degrees to the facade surface.

4.4.12 Sensitive residential interfaces

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Buildings located adjacent to a sensitive residential interface should meet Standards A10/B17, A11/B18, A12/B19, A13/B20, A14/B21 and A15/B22 of Clauses 54.04/55.04 as relevant.

4.5 Development Plan Areas

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4.5.1 Objectives

To facilitate the use, development and subdivision of the Development Plan Areas as shown in Map 8 to this clause to achieve the vision for the Activity Centre and Precinct 1 as set out in the *Box Hill Metropolitan Activity Centre to 2036 Structure Plan (2020)* and the *Box Hill Metropolitan Activity Centre to 2036 Urban Design Framework (2020)*.

To identify areas that require the form and conditions of future use and development to be shown on a development plan before a permit may be granted to use or develop the land.

To ensure the use and development is generally in accordance with the development plan.

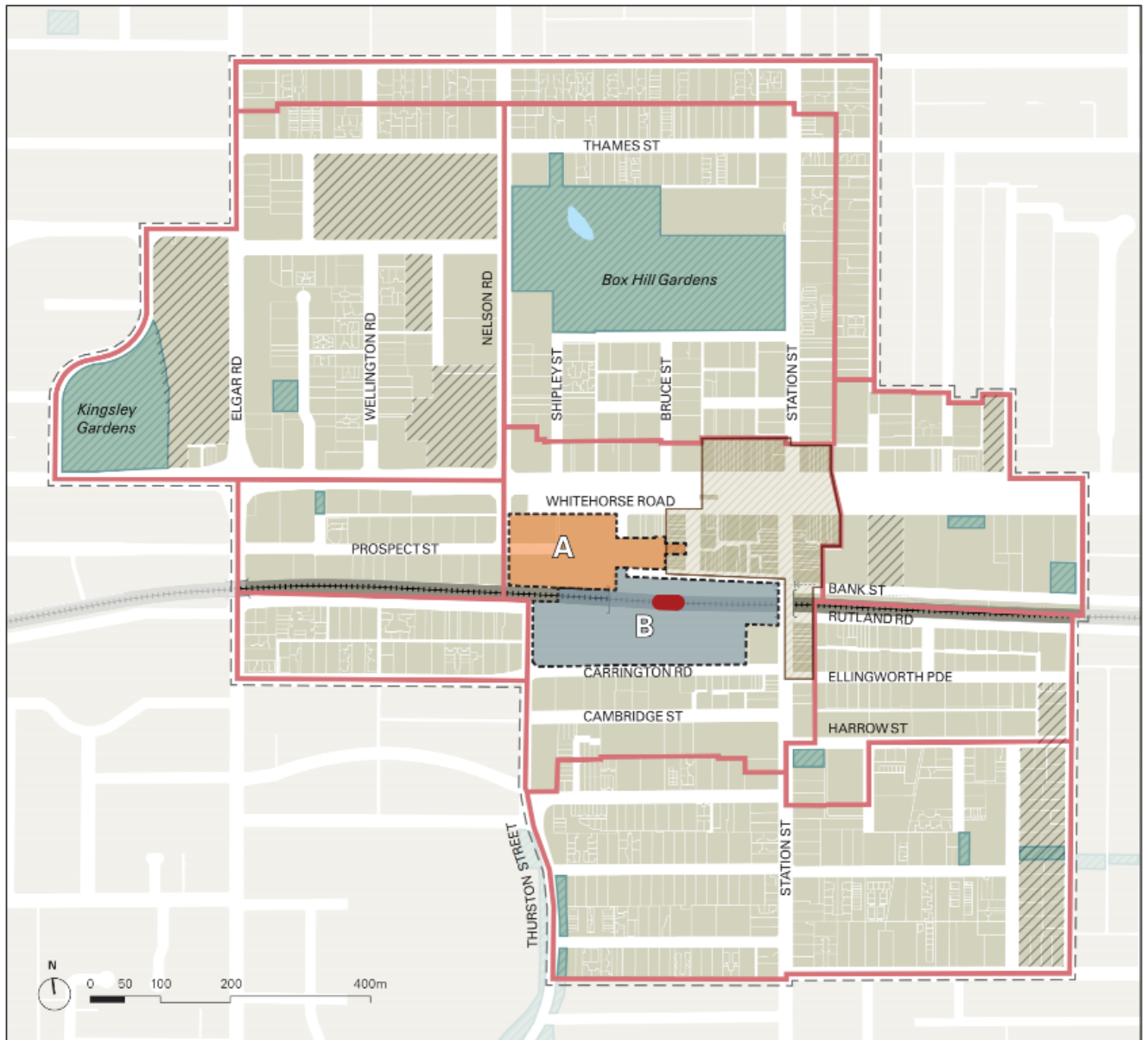
4.5.2 Development Plan requirements

A Development Plan:

- may only be prepared for a Development Plan Areas shown in **Map 8** to this clause.
- must be generally in accordance with the Indicative Concept Plan as shown in **Map 9** to this clause.

- must achieve the Land use and development objectives at clause 2.0 of this schedule, the Precinct objectives and the Precinct requirements, and responds appropriately to the Precinct guidelines for Precinct 1.
- must achieve the Objectives set out in the Design and development requirements at clause 4.4 of this schedule.
- must include and show the information to be provided, as set out in clause 4.5.3 of this schedule.

Map 8: Development Plan Areas



Map 9: Indicative Concept Plan

To be inserted when completed.

DRAFT

4.5.3 Information to be provided

A Development Plan must include the following information to the satisfaction of the responsible authority:

- A planning report that demonstrates:
 - the nature, type and intensity of employment outcomes to be delivered and how the proposal contributes to achieving a balance of employment and residential growth.
 - how the proposal contributes to provision of housing choice, diversity and housing affordability.
 - if the Development Plan seeks to exceed the maximum building height, the provision of affordable housing.
 - the relationship between the proposal and adjoining land, including interface treatments, connectivity, interim treatment of any land and any attenuation measures that may be needed.
 - how the Development Plan contributes to the vision for the Activity Centre and Precinct 1.
- A site analysis and urban context plan that includes, but not limited to, the urban context and existing conditions showing topography, surrounding and on site land uses, buildings, noise sources, access points, adjoining roads, cycling and pedestrian network, landscaping, public transport routes and social infrastructure.
- A staging plan showing the likely sequence and timing of development and including a description of the key components to be delivered in each stage and any interim uses proposed for land to be developed in subsequent stages.
- A design and built form plan showing detailed building envelopes that achieve the objectives and requirements of this Schedule.
- Shadow diagrams describing overshadowing impacts both internal and external to the site.
- A public realm plan showing:
 - all public realm areas within the site and the indicative landscape treatment of public areas, open spaces, pedestrian connections and street interfaces between adjoining land uses and publicly accessible spaces, as well as how any change in levels will be addressed.
 - proposals for ongoing management and maintenance of public areas. If land is to be developed in stages, it must show how land will be treated and managed at each stage.
- An integrated transport plan that demonstrates:
 - how pedestrian and cyclist movement will be prioritised and integrated within the site to provide convenient access to public transport.
 - how any proposed changes to public transport facilities or routes will be facilitated within high quality and high amenity environments.
 - vehicle access locations to car parking and loading areas.
 - identifies opportunities for consolidation of car parking and minimisation of crossovers.
- An environmentally sustainable development (ESD) strategy that demonstrates how ESD principles will guide and be incorporated into the use and development of the site, as well as specific ESD components and initiatives that will be included in the development to address these principles.
- A services and engineering infrastructure plan including:
 - an assessment of the existing engineering infrastructure servicing the site and its capacity to service the proposed development.
 - a description of the proposed provision of all appropriate utility services to each stage.

- a stormwater drainage plan including integration of Water Sensitive Urban Design.
- A community infrastructure plan showing the location of relevant community facilities to be provided and including an assessment of the existing capacity and future demand for such facilities.

The responsible authority may waive the need to provide any of the information detailed above.

4.5.4 Requirement before a permit is granted

A permit may be granted before a Development Plan has been approved for the following:

- Minor buildings and works
- Removal or creation of easements or restrictions.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a Development Plan or the future use and development of the land in an integrated manner.

4.5.5 Decision Guidelines

Before deciding on a request to approve or amend a Development Plan, in addition to the decision guidelines in clause 65, the responsible authority must consider, as appropriate:

- how the development will achieve the vision for the Box Hill Metropolitan Activity Centre and Precinct 1.
- the maximum allowable gross floor space specified in **Table 1** to clause 4.1.
- the staging of the development and whether it is appropriate to reallocate accommodation floor space between individual locations within the development plan area.
- the mix of residential uses proposed, how it contributes to objectives to provide a range of residential uses and housing choices.
- whether an appropriate affordable housing contribution is proposed and can be secured by a Section 173 Agreement.
- the nature and type of employment generating uses proposed, and the contribution to supporting employment growth in the centre.
- whether the development facilitates an improvement of the existing public realm, the creation of new public spaces, delivers high levels of pedestrian and cyclist connectivity and achieves activated streetscapes.
- how the development provides opportunities for transit oriented development and an improved and integrated transport interchange.

4.6 Definitions

For the purposes of this schedule:

Laneway means a road reserve with a width of 9 metres or less.

Setback means the shortest horizontal distance from a building, including projections such as balconies, building services and architectural features, to the property boundary.

Street wall means the façade of a building along a street or a Laneway. If the building is set back from the street or Laneway, the front wall of the building

Street wall height means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building at the street edge, or in the case of a heritage building if it is setback from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

Primary street frontage means the frontage of a street or a Laneway with the greatest width.

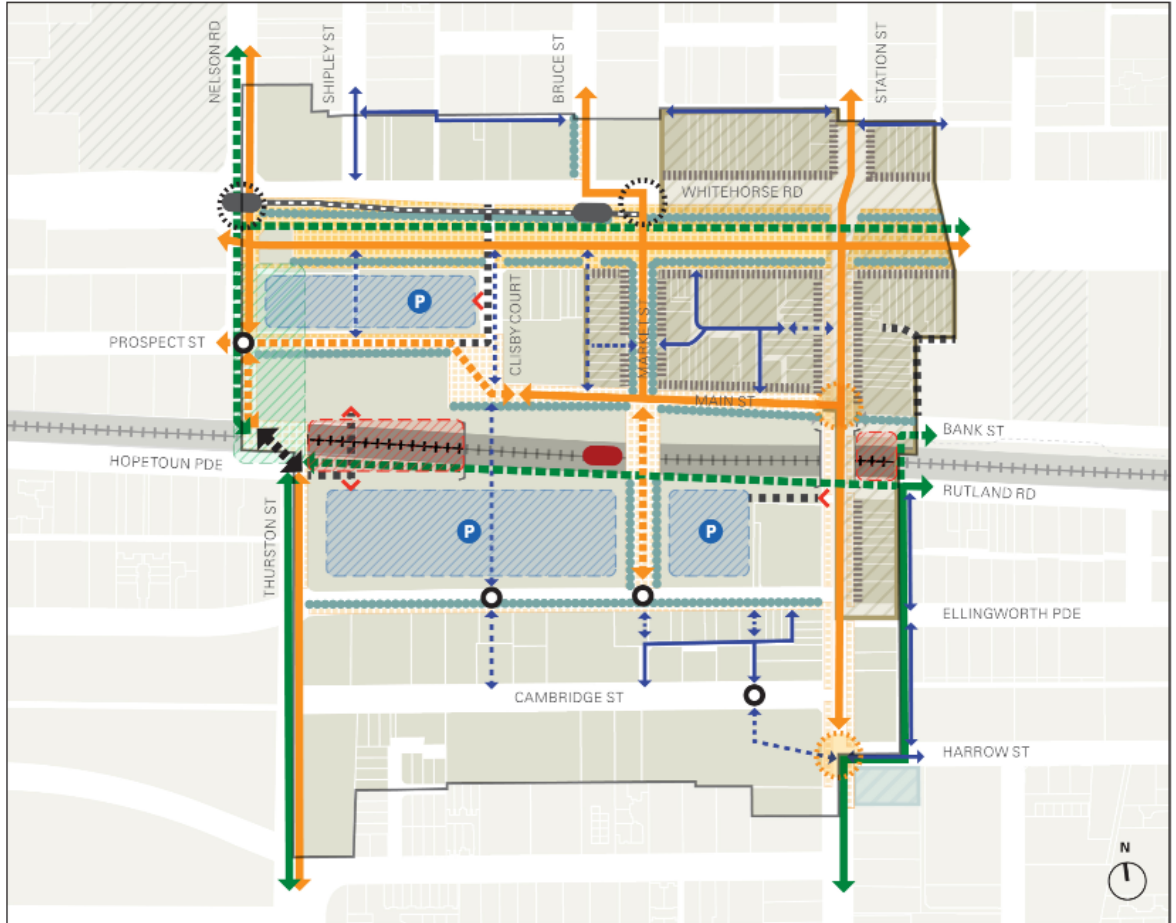
Sensitive residential interface means any land that interfaces directly with a Residential Growth Zone, General Residential Zone or Neighbourhood Residential Zone outside the activity centre boundary.

5.0 Precinct provisions

5.1 Precinct 1 – Central Neighbourhood

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Precinct map



| | | |
|---|--|---|
| <ul style="list-style-type: none"> Precinct Boundary Belgrave/Lilydale railway line Train station Tram line Tram stop Not in ACZ <i>Public realm and open space</i> Urban space – Whitehorse Road reconfiguration Urban space – upgraded and preferred (future) Traditional Town Centre Retain rhythm of existing fine grain frontages Open space – existing Increase canopy trees | <p><i>Walking & cycling</i></p> <ul style="list-style-type: none"> New bridge crossing over rail – high priority Primary Pedestrian Network – primary link (upgrade existing link) Primary Pedestrian Network – primary link (preferred future link) Local Pedestrian Network – local link (secure public access & upgrade) Local Pedestrian Network – local link (preferred future link) Bicycle route – existing (upgrade) Bicycle route – preferred (future) Signalised pedestrian crossing – existing (upgrade) Signalised pedestrian crossing – preferred (future) Wombat or zebra crossing – upgraded and preferred (future) | <p><i>Vehicles</i></p> <ul style="list-style-type: none"> Service laneway Car park access point Consolidated car parking – preferred (future) <p><i>Strategic opportunities</i></p> <ul style="list-style-type: none"> Investigation area – development Investigation area – open space |
|---|--|---|

5.1-2 Precinct objectives

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- To develop the precinct as a mixed use ‘heart’ of the activity centre including a vibrant and diverse range of retail, hospitality, entertainment, employment, and residential uses that extend activity from day into night.
- To provide improved pedestrian and cycle networks.
- To ensure that development responds to the creation of a boulevard along Whitehorse Road with connecting public spaces by activating frontages and assisting in the creation of vibrant street activity.
- To retain the rhythm of the existing fine-grain frontages within Traditional Town Centre while allowing for larger scale built form in other parts of the precinct to accommodate a renewed and enhanced shopping centre with activated and engaged street interfaces.

5.1-3 Precinct requirements

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- Provide a 3 metre landscaped setback on the north side of Carrington Road to allow for footpath widening.

5.1-4 Precinct guidelines

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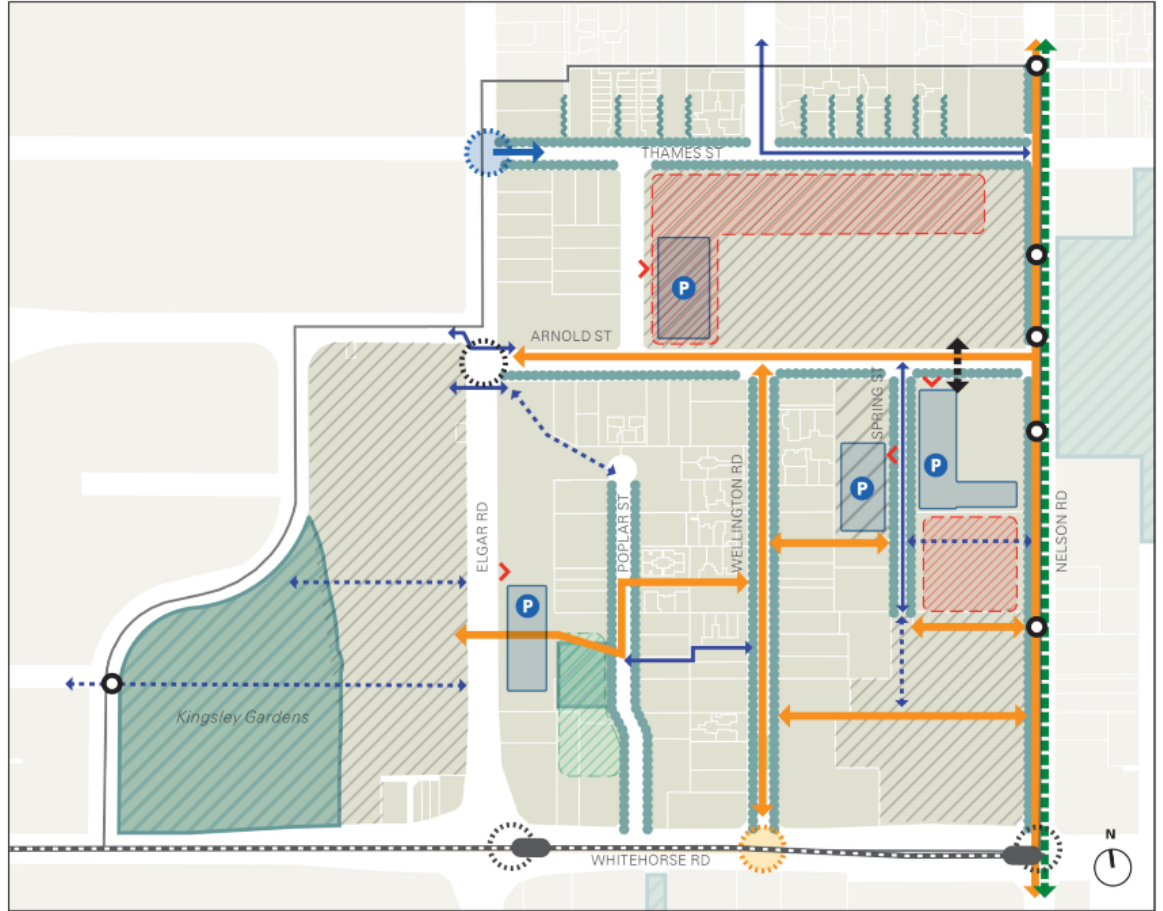
- Along the south side of Whitehorse Road, and in Station Street, Market Street and Main Street, respond to the proposed urban space and public spaces with a street wall built to the boundary with activated frontages that respond to heritage buildings where relevant.
- Provide enhanced and new through block links and Active Laneway to implement the Primary and Local pedestrian network links as shown in the Framework Plan at clause 1.0 of this schedule.
- Encourage development to contribute to upgrading existing or preferred future signalised pedestrian crossing points as shown in the Precinct map at clause 5.1-1 of this schedule.
- Extend Market Street through to Carrington Road as part of future redevelopment of the bus terminal to provide safe and convenient 24 hour public access.
- Encourage a master planned approach on sites identified as ‘investigation area – development’ to facilitate decking and development of areas over the rail corridor.
- Ensure a consistent approach to the planting of canopy trees in all key streets and public spaces
- Consolidate car parking and limit vehicle access points.

5.2 Precinct 2 – Health and Education Neighbourhood

5.2-1

Precinct map

5.2-1



- | | | |
|---|---|--|
| <ul style="list-style-type: none"> Precinct Boundary Tram line Tram stop Not in ACZ <p><i>Public realm and open space</i></p> <ul style="list-style-type: none"> Open space – existing Increase canopy trees Provide green breaks between buildings | <p><i>Walking & cycling</i></p> <ul style="list-style-type: none"> Sky bridge crossing – preferred (future) Primary Pedestrian Network – primary link (upgrade existing link) Primary Pedestrian Network – primary link (preferred future link) Local Pedestrian Network – local link (secure public access & upgrade) Local Pedestrian Network – local link (preferred future link) Bicycle route – existing (upgrade) Bicycle route – preferred (future) Signalised pedestrian crossing – existing (upgrade) Signalised pedestrian crossing – preferred (future) Wombat or zebra crossing – upgraded and preferred (future) | <p><i>Vehicles</i></p> <ul style="list-style-type: none"> Car park access point Consolidated car parking – existing Signalised intersection – key access point <p><i>Strategic opportunities</i></p> <ul style="list-style-type: none"> Investigation area – development Investigation area – open space |
|---|---|--|

5.2-2 Precinct objectives

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- To accommodate substantial growth in health, education and complementary knowledge intensive jobs.
- To provide for supporting residential uses, including student accommodation and key worker housing, as a complementary role to the core health and education focus of Precinct 2.
- To improve and create new links through the neighbourhood to implement the Primary and Local pedestrian network links as shown in the Framework Plan at clause 1.0 of this schedule.

5.2-3 Precinct requirements

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- None specified.

5.2-4 Precinct guidelines

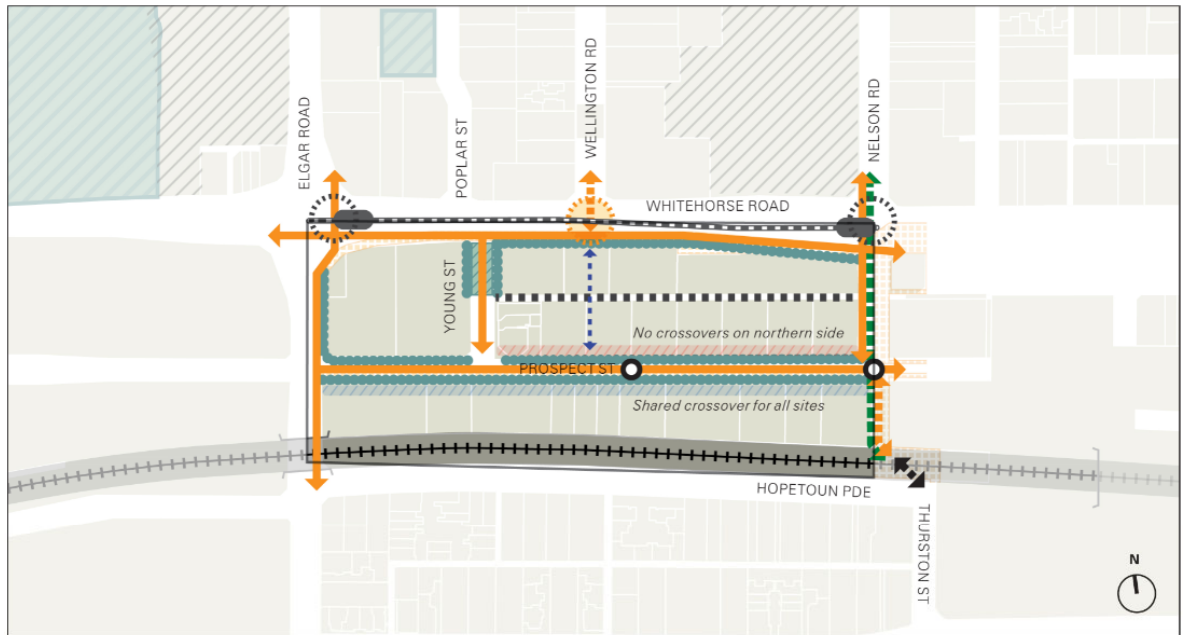
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- On sites identified as ‘investigation area – development’, encourage a master planned approach to expansion of health, education and complementary uses and facilities.
- Make provision for landscaped setbacks and planting of canopy trees along other key streets as shown on the Precinct Map.
- For the Box Hill Hospital and Epworth Eastern Hospital sites and along Spring Street, provide activated facades at street frontages, where practicable.
- Along Wellington Road and Nelson Road, provide activated street interfaces and prioritise pedestrian and cyclist movement over vehicle access along those street frontages.
- In Poplar Street, provide a new local open space in the area identified as ‘investigation area – open space’.
- Provide a transition in built form between the higher built forms along Elgar Road, Whitehorse Road, Nelson Road and Thames Street to the lower built forms to the north of Thames Street and along Poplar Street and Wellington Road.
- For sites north of Thames Street provide landscaped setbacks between buildings.

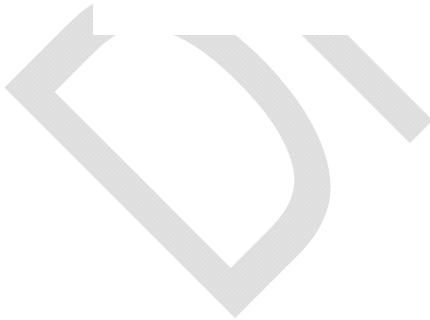
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Precinct 3 – Prospect Neighbourhood

Precinct map



- | | | |
|---|---|---|
| <ul style="list-style-type: none"> Precinct Boundary Tram line Tram stop Not in ACZ <i>Public realm and open space</i> Open space – upgrade to pocket park Increase canopy trees Urban space – upgraded and preferred (future) No crossovers on northern side Shared crossover for all sites | <p><i>Walking & cycling</i></p> <ul style="list-style-type: none"> New bridge crossing over rail – high priority Primary Pedestrian Network – primary link (upgrade existing link) Primary Pedestrian Network – primary link (preferred future link) Local Pedestrian Network – local link (secure public access & upgrade) Local Pedestrian Network – local link (preferred future link) Bicycle route – preferred (future) Signalised pedestrian crossing – existing (upgrade) Signalised pedestrian crossing – preferred (future) Wombat or zebra crossing – upgraded and preferred (future) | <p><i>Vehicles</i></p> <ul style="list-style-type: none"> Service laneway |
|---|---|---|



5.3-2 Precinct objectives

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- To encourage site amalgamation and intensive development on large sites, while ensuring the design of buildings achieve a fine grain rhythm at street level.
- To ensure appropriate setbacks for new development from side boundaries above the podium to provide a separation between towers.
- To develop a predominantly high density precinct where new buildings are of a pedestrian friendly scale and design at ground floor.
- To ensure access to on-site car parking is designed to maximise the safety of pedestrians and cyclists.
- To reduce wind turbulence at ground or podium level in accordance with the Wind effects requirements at clause 4.4-3 of this schedule through using appropriate building forms and articulation of the building mass.

5.3-3 Precinct requirements

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- Along Prospect Street, Young Street, and Nelson Road make provision for landscaped setbacks and planting of canopy trees.

5.3.4 Precinct guidelines

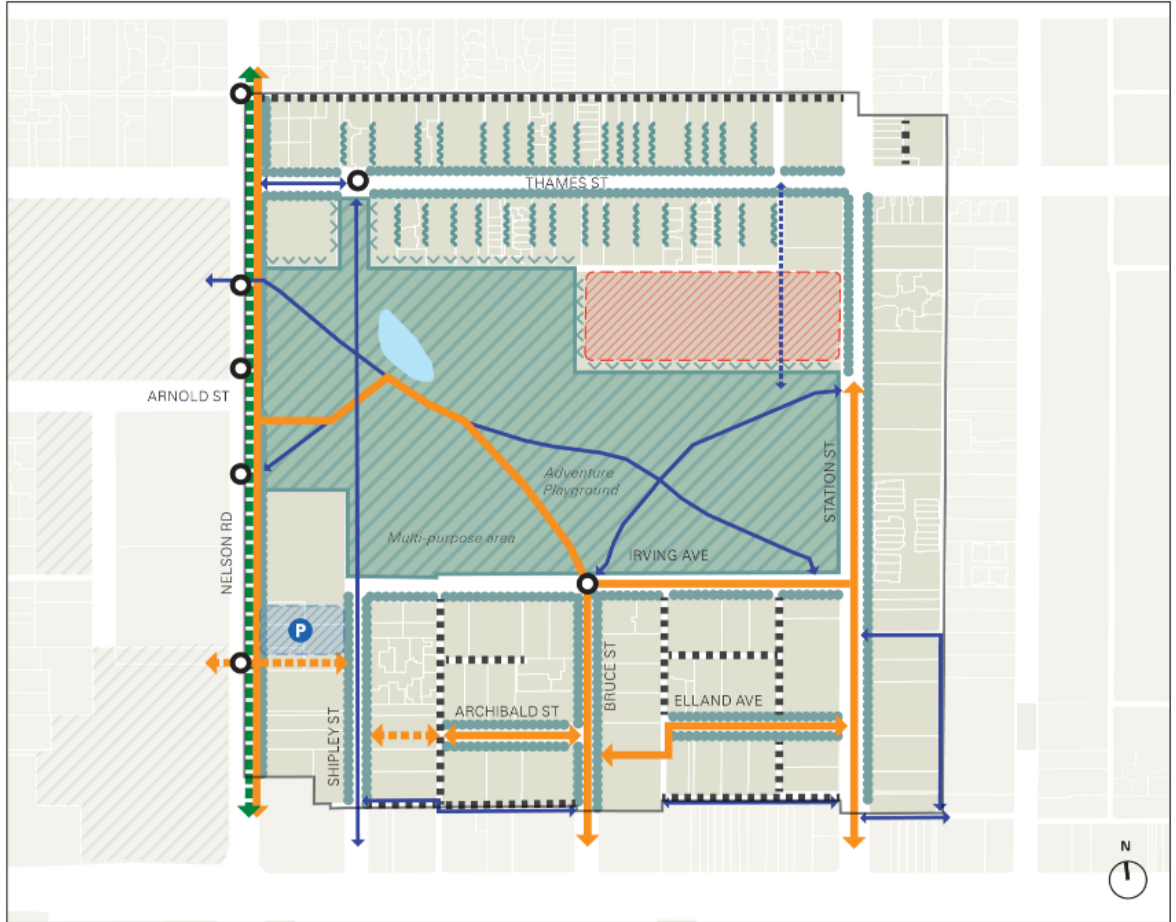
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- Along street frontages, prioritise pedestrian and cyclist movement over vehicle access.
- For sites north of Prospect Street, encourage all vehicle access to be provided via rear laneways or Young Street.
- For sites south of Prospect Street, encourage site consolidation and minimise impacts of vehicle access through used of shared crossovers.

5.4 Precinct 4 – Garden Neighbourhood

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Precinct map



- | | | |
|---|---|--|
| <ul style="list-style-type: none"> Precinct Boundary Not in ACZ Public realm and open space Open space – existing Increase canopy trees Provide green breaks between buildings Built form Open space interfaces | <ul style="list-style-type: none"> Walking & cycling Primary Pedestrian Network – primary link (upgrade existing link) Primary Pedestrian Network – primary link (preferred future link) Local Pedestrian Network – local link (secure public access & upgrade) Local Pedestrian Network – local link (preferred future link) Bicycle route – preferred (future) Wombat or zebra crossing – upgraded and preferred (future) | <ul style="list-style-type: none"> Vehicles Service laneway Consolidated car parking – preferred (future) Strategic opportunities Investigation area – development |
|---|---|--|

5.4-2 Precinct objectives

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- To create a green inner-city neighbourhood providing a great place to live with an abundance of public open space.
- To provide a diverse range of residential development opportunities complemented by office, retail and community uses.
- To ensure new development responds to the established mid-rise character of the neighbourhood.
- To ensure new development provides activated street and laneway interfaces and passive surveillance of streets and the public realm.

5.4-3 Precinct requirements

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- Along Station Street and Thames Street provide the street wall setback shown in **Map 5** of this schedule.
- Along other key streets provide a 3 metre landscaped setback and planting of canopy trees.
- Along rear laneways provide a 1.5 metre landscaped setback as shown on **Map 5** of this schedule.

5.4.4 Precinct guidelines

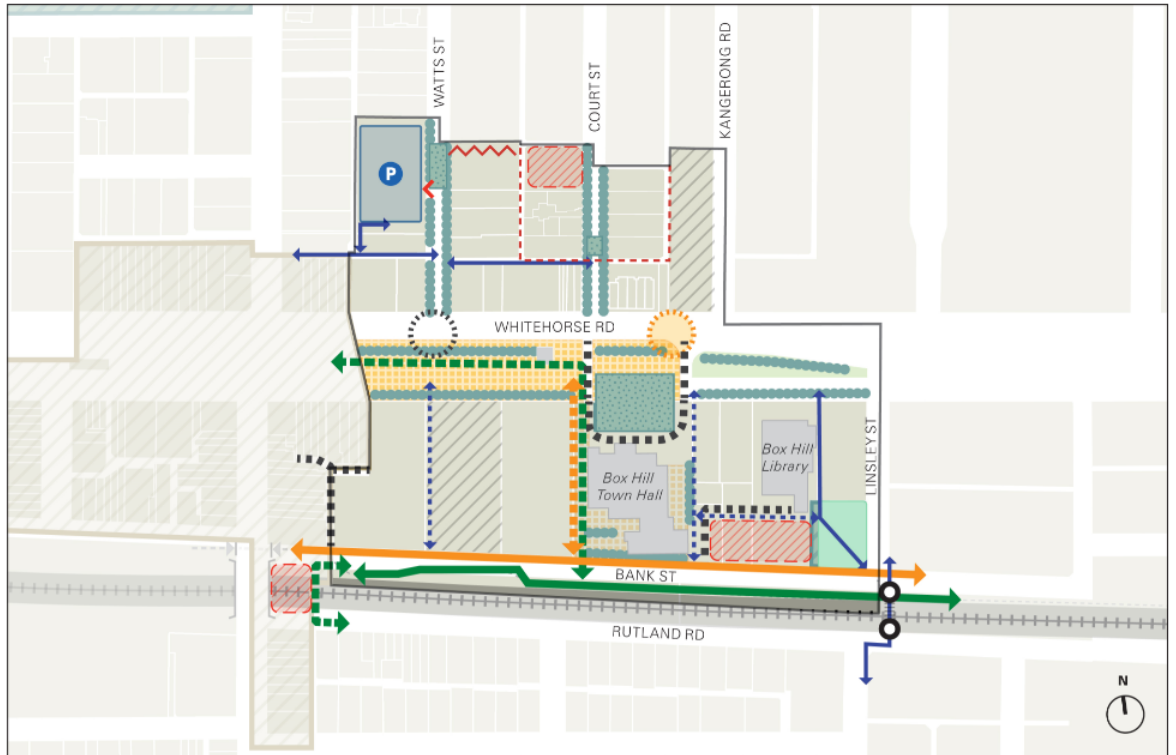
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- On sites identified as ‘investigation area – development’, encourage a master planned approach to redevelopment that provides a new mid-block link to implement the future local pedestrian network link shown on the Framework Plan at clause 1.0..
- For sites with interfacing with the Box Hill Garden, encourage activated frontages and outlook to the gardens.
- For sites around the intersection of Station Street and Thames Street that have an Urban Activity Street frontage as shown on **Map 6** of this schedule, ensure street wall is built to the boundary and
- For sites north and south of Thames Street, encourage landscaped setbacks between buildings.
- Along Nelson Road and Station Street, encourage activated street interfaces and prioritise pedestrian and cyclist movement over vehicle access along those street frontages.

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Precinct 5 – Civic and Cultural Neighbourhood

Precinct map



- | | | |
|---|--|-------------------------------------|
| Precinct Boundary | Walking & cycling | Vehicles |
| Former Activity Centre Boundary | Primary Pedestrian Network – primary link (upgrade existing link) | Service laneway |
| Not in ACZ | Primary Pedestrian Network – primary link (preferred future link) | Car park access point |
| Belgrave/Lilydale railway line | Local Pedestrian Network – local link (secure public access & upgrade) | Consolidated car parking – existing |
| Public realm and open space | Local Pedestrian Network – local link (preferred future link) | Strategic opportunities |
| Urban space – Whitehorse Road reconfiguration | Bicycle route – existing (upgrade) | Investigation area – development |
| Urban space – upgraded and preferred (future) | Bicycle route – preferred (future) | |
| Town centre | Signalised pedestrian crossing – existing (upgrade) | |
| Open space – existing | Signalised pedestrian crossing – preferred (future) | |
| Open space – existing (upgrade) | Wombat or zebra crossing – upgraded and preferred (future) | |
| Increase canopy trees | | |
| Sensitive residential interface | | |

5.5-2 Precinct objectives

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- To promote the civic core of the Activity Centre as a well-connected community and cultural precinct serving the needs of the whole activity centre.
- To support an expanded range of civic, community and cultural uses with a complementary mix of employment uses.
- To create improved connections and integration with surrounding neighbourhoods, with enhanced linkages for pedestrians and cyclists.
- To encourage the consolidation of car parking to relieve parking pressure and congestion within Precinct 1.
- To encourage low to mid rise development that responds to the character and heritage of the Town Hall and civic buildings, with fine grain activated street frontages.

5.5-3 Precinct requirements

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- Along the south side of Whitehorse Road, respond to the proposed urban space integrated with the Town Hall forecourt by providing an activated frontage setback that responds to heritage context, where relevant.
- Along Watts Street and Court Street provide a setback as shown in **Map 5** of this schedule that makes a landscape contribution.
- On the north side of Whitehorse Road build to the boundary and provide active urban interfaces.

5.5.4 Precinct guidelines

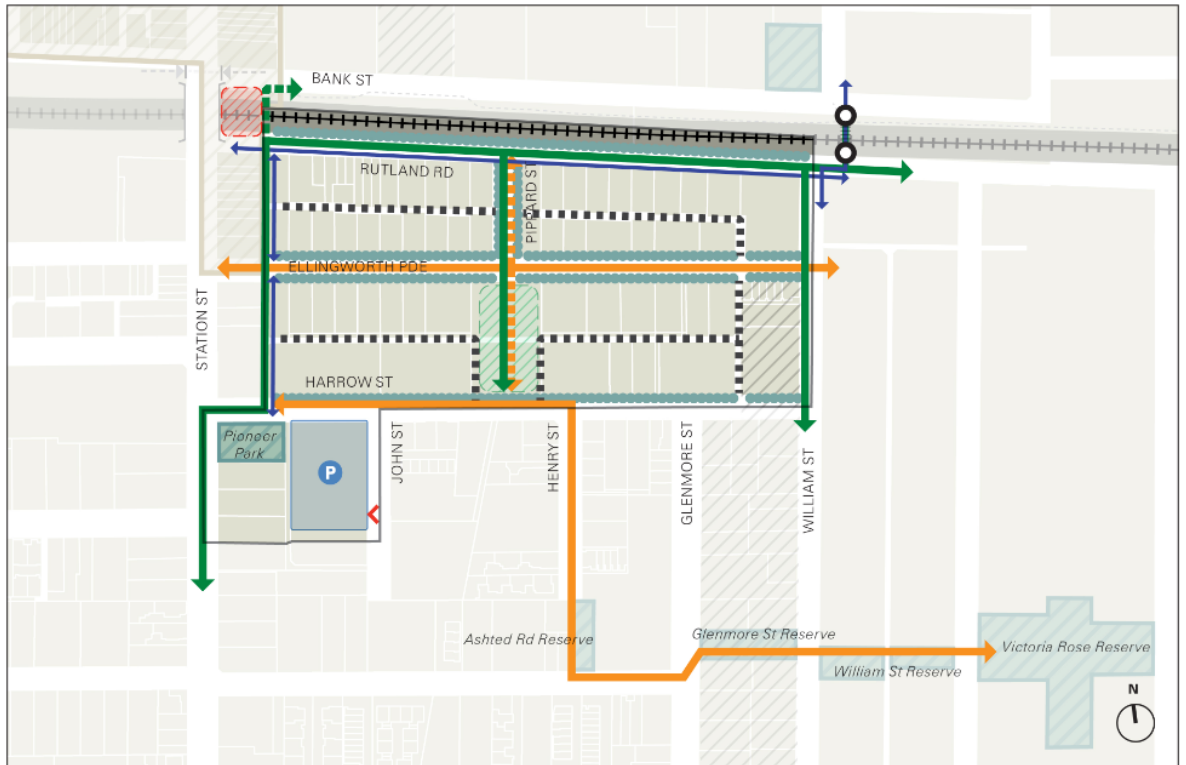
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- Provide activated street interfaces and active laneway interfaces that prioritise pedestrian and cyclist movement over vehicle access along those street frontages.
- Ensure a consistent approach to the planting of canopy trees in all key streets and public spaces.
- For sites identified as 'investigation area – development', encourage a master planned approach to decking and development of areas over the rail, with provision for cycling connection at rear of deck.
- Consolidate car parking and limit vehicle access points to locations shown.

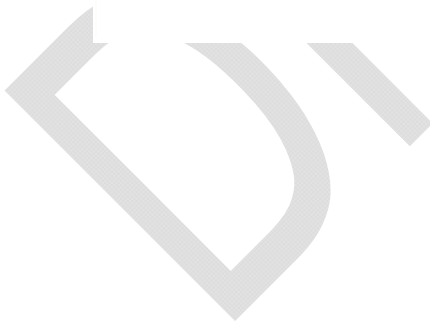
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Precinct 6 – Enterprise Neighbourhood

Precinct map



- | | | |
|---|---|---|
| <ul style="list-style-type: none"> Precinct Boundary Not in ACZ <p><i>Public realm and open space</i></p> <ul style="list-style-type: none"> Traditional Town centre Open space – existing Increase canopy trees | <p><i>Walking & cycling</i></p> <ul style="list-style-type: none"> Primary Pedestrian Network – primary link (upgrade existing link) Primary Pedestrian Network – primary link (preferred future link) Local Pedestrian Network – local link (secure public access & upgrade) Bicycle route – existing (upgrade) Bicycle route – preferred (future) Wombat or zebra crossing – upgraded and preferred (future) | <p><i>Vehicles</i></p> <ul style="list-style-type: none"> Service laneway ▲ Car park access point Consolidated car parking – existing <p><i>Strategic opportunities</i></p> <ul style="list-style-type: none"> Investigation area – development Investigation area – open space |
|---|---|---|



5.6-2 Precinct objectives

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- To create a dynamic mixed-use precinct.
- To provide a diverse mixed use character and a range of opportunities for creative and knowledge intensive employment.
- To create a new green link and public open space within the neighbourhood and enhance landscaping along streets that provide priority to pedestrians and cyclists.
- To encourage development to respond to the rhythm and lot pattern established by the pre-existing industrial and commercial character of the area and respond to surrounding development.
- To provide development that delivers an appropriate transition in built form and intensity to low scale residential areas to the south.

5.6-3 Precinct requirements

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- None specified.

5.6.4 Precinct guidelines

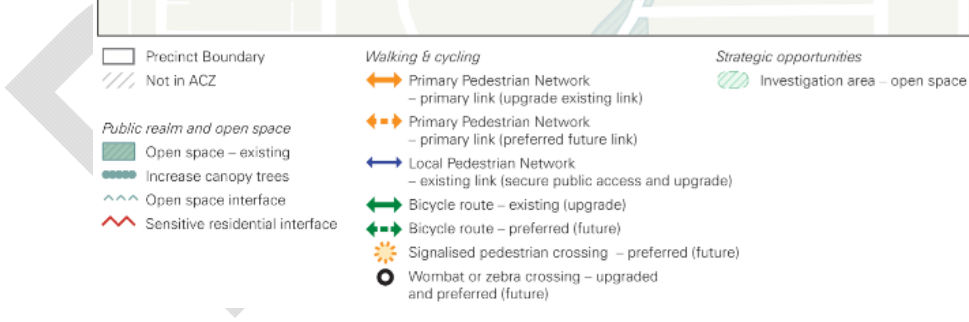
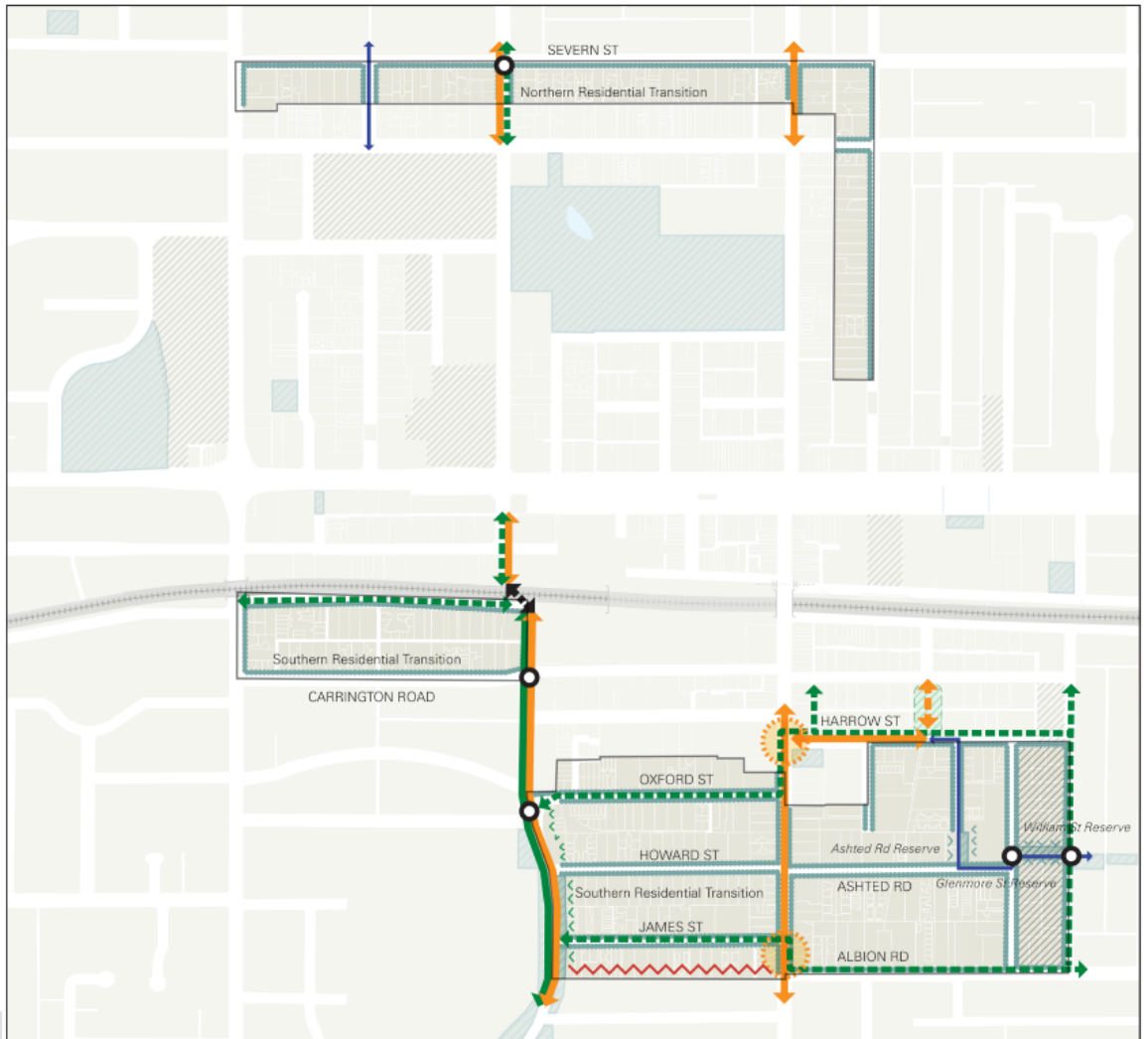
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- Provide active urban interfaces that prioritise pedestrian and cyclist movement over vehicle access along those street frontages.
- Consolidate parking and provide vehicle access via rear laneways.
- For sites with an interface to the proposed open space (proposed for the existing Harrow Street carpark), provide activated frontages and outlook to this open space.

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Precinct 7 – Transition Neighbourhood

Precinct map



5.7-2 Precinct objectives

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- To provide medium-density in different housing types in a highly accessible and well serviced location.
- To provide a transition between areas of more intensive use and development and other residential areas.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

5.7-3 Precinct requirements

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- Maximum building height should not exceed 13.5 metres for 4 storeys.
- Walls should only be constructed on one side boundary.
- Front fence height in streets in a Road Zone Category 1 or 2 should not exceed 1.8 metres and should have at least 20% transparency. A front fence within 3 metres of a street should not exceed 1.2 metres in 'other streets'.
- The following applies to applications to construct a building or construct or carry out works associated with one dwelling on a lot:
 - A dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 35 square metres and a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace.
- The following applies to applications to construct a building or construct or carry out works associated with two or more dwellings:
 - Provision of at least one canopy tree per site that has the potential of reaching a minimum mature height of 8 metres. The species of canopy trees should be native, preferably indigenous.
 - A dwelling or residential building should have private open space consisting of an area of 40 square metres, with one part of the private open space at the side or rear of the dwelling or residential building within a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room. It cannot include a balcony or roof top terrace. This does not apply to apartment developments.
- For sites along Station Street, provide an activated frontage with the ground level setback shown in **Map 5** of this schedule to provide for landscaping and footpath widening.
- For all other streets, provide the ground level setback shown in **Map 5** of this schedule to provide for landscaping.
- Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, should meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

5.7-4 Precinct guidelines

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- None specified.

6.0 Application requirements

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

Use of land for Affordable housing

An application to develop land for 16 or more dwellings in Precincts 1, 2, 3, 5 or 6 must be accompanied by a report that addresses:

- Whether (and to what extent) the proposal includes an Affordable housing contribution.
- How the proposal contributes to the delivery of at least 6 per cent of Affordable housing within the development.

Use of land for Industry or Warehouse

- A description of the likely effects on adjoining land, including air-borne emissions, noise and emissions to land and water, traffic, including the hours of delivery and dispatch, light spill or glare.

Subdivision

- Information that demonstrates how the subdivision makes provision for delivery of the pedestrian and cycle networks, including widened footpaths, new laneways or connections, generally in accordance with the Framework Plan at clause 1.0 of this schedule.
- Information that demonstrates how consolidated car parking areas will be used efficiently by different uses within the building and make provision for public parking within the building.

Building and works

- An indicative development schedule including the number, type and density of any dwellings and the floor area of any proposed uses.
- A Wind report.
- A Construction management plan.
- A Reflectivity report.
- Waste management plan.
- A Landscape plan showing:
 - All proposed landscaping.
 - Details of measures to be implemented during construction to protect and manage significant vegetation that is to be retained.
 - Details of implementation of landscape works including an ongoing management strategy.
- An Environmentally Sustainable Development Management Plan and Green Travel Plan.
- Where a Floor Area Uplift is sought and an affordable housing contribution is to be provided, a report calculating the Floor Area Uplift and corresponding affordable housing contribution in accordance with the guidance note “How to Calculate Floor Area Uplift and Affordable Housing Contributions, (SGS 2021)”.

Precinct 7: Transition Neighbourhood

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 or Clause 55.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
 - The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

Development Plan Areas

An application for a permit for use, subdivision or buildings and works must be accompanied by (as appropriate):

- A planning report that demonstrates that the proposal is generally in accordance with the provisions of the planning scheme and any Development Plan approved under this schedule.
- Plan(s) which show, as relevant to the application:

- The location, height, dimensions, floor area and floor plan of the proposed buildings and works.
- The proposed use(s) of each building.
- The location of all vehicle, bicycle and pedestrian access ways.
- The location and layout of all car and bicycle parking areas, access to and from them and direction signage.
- Provision for loading and unloading facilities.
- The location of all open space, include those areas available to the public.
- The location and layout of public transport vehicle and passenger facilities and access routes for vehicles and pedestrians to such facilities
- The location of relevant community facilities.
- The colours and details of materials to be used for external walls and roofs.
- The phases in which the land is to be developed.
- A three dimensional digital model in a format to the satisfaction of the responsible authority.
- An environmentally sustainable development strategy that demonstrates:
 - that at least a 5 star green star (or equivalent) standard will be achieved for each new development.
 - for existing buildings that are being adapted or repurposed, the incorporation of recognised ESD technologies and best practice.
- A waste management plan which provides details of waste collection, storage and removal facilities and areas.
- A construction management plan which details of all roads, accessways, drainage works, vehicle parking, loading areas, bus standing / stopping areas and fire services.
- A transport report which outlines the expected traffic generation, as well as details of traffic management and controls works on site and on adjoining land and nearby roads.
- A landscape report which includes:
 - a detailed landscape plan showing all proposed landscaping.
 - details of measures to be implemented during construction to protect and manage significant vegetation that is to be retained.
 - implementation of landscape works including an ongoing management strategy.
- Shadow diagrams of the proposed building envelopes.
- A wind assessment for the proposed development that demonstrates the new development will not adversely affect the amenity of the public realm
- A report detailing the potential reflectivity of proposed buildings, including any measures required to mitigate adverse reflectively affecting motorists, pedestrians, train drivers and occupants of neighbouring buildings.

7.0 Notice and review

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An application for the following 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:

- the use of land for the purposes of Adult sex product shop, Bottle Shop, Brothel, Gambling premises, Hotel, Place of assembly or Bar.
- buildings and works that immediately abuts land outside the activity centre boundary.
- Buildings and works which do not comply with the maximum building height, maximum street wall height, street wall setbacks, setback above the street wall or building separation within a site requirements.

8.0 Decision guidelines

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

Use of Land

- The extent to which the proposal contributes to the employment growth and housing diversity objectives for the precinct.
- Whether the use is complementary and appropriate to the area and in precincts with a primary employment and economic development focus.
- The strategic contribution to supporting the regional role of the Activity Centre and the provision of employment, housing diversity, and range of services and facilities in the Activity Centre.

Subdivision

- The contribution the proposed subdivision makes creating a permeable pedestrian and cyclist movement network.
- Whether the subdivision promotes consolidated car parking and vehicle access.
- Whether the proposed staging of the subdivision is appropriate.
- The impact of the subdivision on landscape opportunities or footpath activity along street frontages.

Design and Built Form

- The amenity of the public realm including overshadowing additional to that caused by existing buildings, street walls, and wind impacts from taller buildings.
- The extent of activation to the public realm to all street interfaces, laneways and interfaces with open space.
- The extent to which the design and built form prioritises pedestrian and cyclist movement in the public realm and minimises impacts from vehicle access, services and loading.
- Provision for landscaping within street setbacks and within proposed new public realm spaces.
- The need for a construction management plan.

For applications in Precinct 7: Transition Neighbourhood

- The impact of overshadowing on existing rooftop solar energy systems on adjoining lots in a Neighbourhood Residential Zone, General Residential Zone or Residential Growth Zone.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.
- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.

For applications that provide Affordable housing

- The extent to which the proposal contributes to the provision of at least 6 per cent Affordable housing in Precincts 1, 2, 3, 5 and 6.
- The views of the relevant registered agency proposed to own, control or manage the Affordable housing dwelling (where applicable).

In considering any Floor Area Uplift, the responsible authority must consider whether the Floor Area Uplift is appropriately matched by the Affordable housing to be provided, by considering the following:

- Whether the quantity and value of the Floor Area Uplift has been appropriately calculated; and
- Whether the proposed Affordable housing is of at least matching value to the Floor Area Uplift; and
- Whether the proposed Affordable housing can be realistically delivered and secured by a suitable legal agreement; and
- Whether the proposed Affordable housing is supported by the proposed receiving registered agency.
- The Affordable housing should:
 - be a mix of one, two and three bedrooms that reflects the overall dwelling composition of the building, or composition otherwise agreed by the housing provider.
 - have internal layouts identical to other comparable dwellings in the building or as otherwise agreed by the housing provider.
 - be externally indistinguishable from other dwellings.

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Signs

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- Sign requirements are at Clause 52.05. All land located within Precincts 1, 2, 3, 4, 5 and 6 is in Category 1.
- All land within Precinct 7 is in Category 3.

10.0

Reference documents

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- *Box Hill Metropolitan Activity Centre to 2036 Structure Plan (MGS Architects, 2020)*
- *Box Hill Metropolitan Activity Centre to 2036 Urban Design Framework (MGS Architects, 2020)*
- *How to Calculate Floor Area Uplifts and Affordable Housing Contributions (SGS, 2021)*