

WHITEHORSE PLANNING SCHEME

BOX HILL CENTRAL NORTH MASTER PLAN INCORPORATED DOCUMENT

Specific controls for 17-21 Market Street, 1 Main Street, 2 Prospect Street, 8 Prospect Street, 8A Prospect Street, Box Hill, and part of Main Street, Prospect Street, Nelson Road, Clisby Court, and Fairbank Lane, and the landscape reserve fronting Whitehorse Road, Box Hill

DECEMBER 2022

Incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*

Incorporated document in the Schedules to Clauses 45.12 and 72.04 of the Whitehorse Planning Scheme

OFFICIAL

1. INTRODUCTION

- 1.1. This document is an Incorporated Document in the schedules to Clause 45.12 and 72.04 of the Whitehorse Planning Scheme (the Planning Scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act, 1987*.
- 1.2. The land identified in Clause 3.1 of this document may be used, developed and subdivided in accordance with the specific controls and clauses contained in this document and should be generally in accordance with the Box Hill Central North Master Plan (2022).
- 1.3. The provisions of this document prevail over any contrary or inconsistent provision in the Planning Scheme.
- 1.4. The Minister for Planning is the Responsible Authority for administering Clause 45.12 of the Planning Scheme in respect of this Incorporated Document except that:
 - a. The Whitehorse City Council is the Responsible Authority for matters expressly required by the Incorporated Document to be endorsed by, approved or done to the satisfaction of the Whitehorse City Council;
 - b. The Whitehorse City Council is the Responsible Authority for subdivision; and
 - c. The Whitehorse City Council is the Responsible Authority for the enforcement of the Incorporated Document.
 - d. The Whitehorse City Council is the Responsible Authority for matters under Division 2 of Part 9 of the *Planning and Environment Act 1987*.

2. PURPOSE

- 2.1. The purpose of this incorporated document is to permit the use, subdivision and staged development of the Land described in Clause 3.1.

3. LAND DESCRIPTION

- 3.1. This incorporated document applies to the land at 17-21 Market Street, part of the land at 1 Main Street, 2 Prospect Street, 8 Prospect Street, 8A Prospect Street, part of Main Street, Prospect Street, Nelson Road, Fairbank Lane, and the landscape reserve fronting Whitehorse Road, Box Hill. The land, referred to herein as 'the site', is formally described as:
 - Lot 1 on Title Plan 803942
 - Land in Plan of Consolidation 102909;
 - Lot 2 on Title Plan 665882;
 - Lot 1 on Title Plan 333223;
 - Lot 1 on Title Plan 761483;
 - Lot 2 on Lodged Plan 45799; and
 - R1 on Lodged Plan 82924.

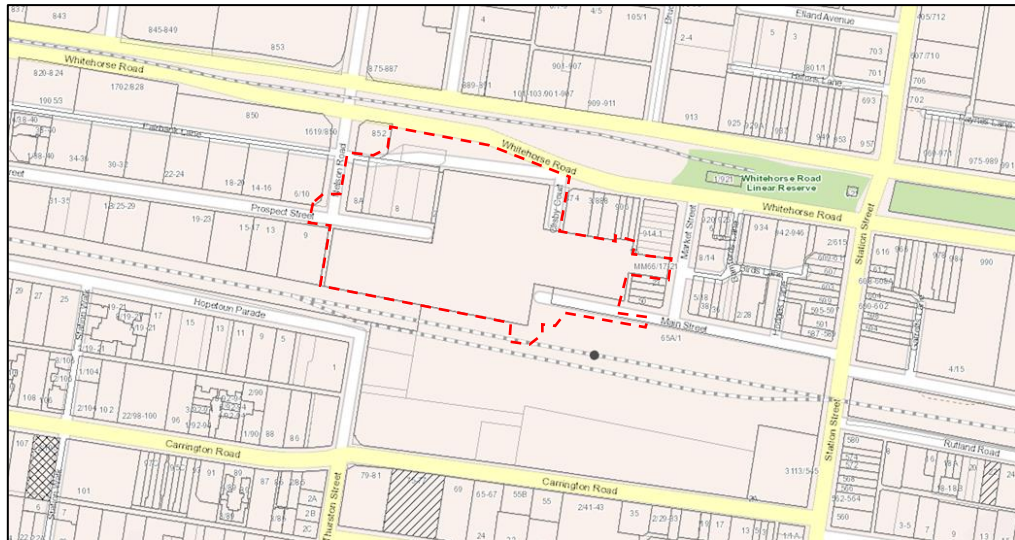


Figure 1: The site

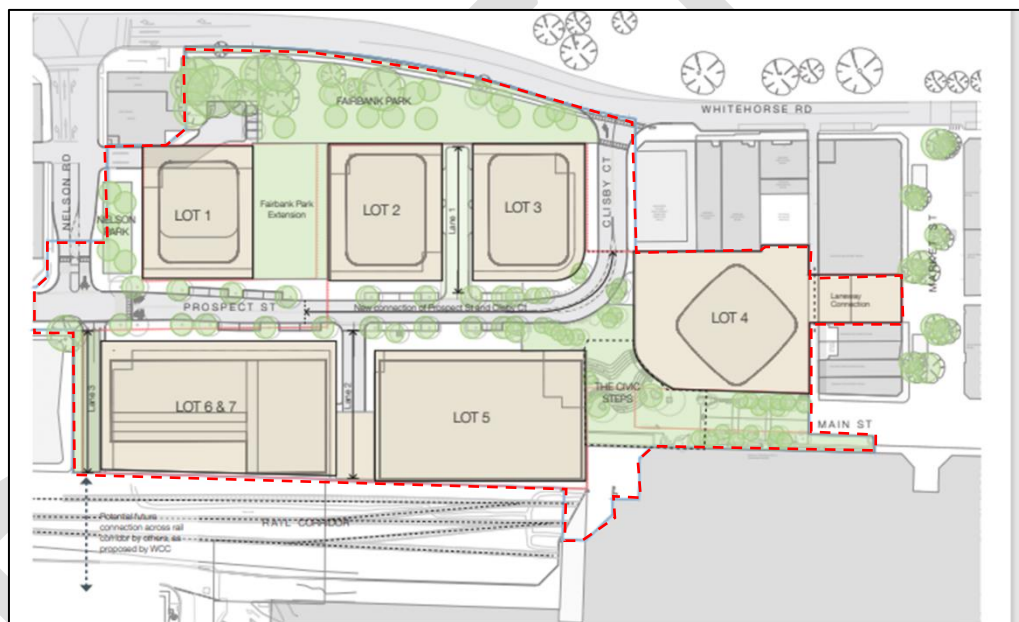


Figure 2: Development Plan, Box Hill Central North Master Plan (2022)

4. CONTROL

4.1. The Land identified in Claus 3.1 may be used and developed in accordance with the specific controls contained in Clause 4 of this document and should be generally in accordance with the Box Hill Central North Master Plan (2022).

4.2. The controls in Clause 4 prevail over any contrary or inconsistent provision in the Planning Scheme.

Exemption from Planning Scheme requirements

4.3. Subject to Clause 4.4, no planning permit is required for, and no provision in the Planning Scheme operates to prohibit, control or restrict the use or development of the Land in accordance with the provisions contained in Clause 4.

4.4. A planning permit is required to subdivide the Land except where the subdivision creates a road and no additional lot is created.

4.5. A planning permit is required to subdivide the land and any such application is exempt from the requirements in Clause 53.01 (Public Open Space Contributions) of the Planning Scheme.

4.6. Notwithstanding Clauses 4.4 and 4.5, any planning permit allowing subdivision of the Land must include a condition requiring provision in kind or payment to City of Whitehorse, before a statement of compliance is issued, of a public open space contribution equal to 6% of the site area or site value of the Land and informed by an open space strategy.

4.7. A planning permit application that is generally in accordance with the Box Hill Central North Master Plan (2022), 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 Planning and Environment Act 1987.

This Document Allows

The Incorporated Document allows the following:

- Alteration of access to a road in a Transport Zone 2.
- Staged subdivision of the land including creation of super lots, easements and reserves.
- Use of the land for a mix of commercial, retail and residential purposes.
- Provision of new open spaces and pedestrian and vehicle links.
- Construction of buildings and works.

The Box Hill Central North Master Plan (2022) includes five (5) indicative development stages, each of which are subject to the corresponding conditions as outlined below.

Stage 1 (Lot 4 and Lot 5) – subdivision of land into two (2) super lots, alteration of access to a road in a Transport Zone 2, public realm works and use and development of the land for the purpose of a multi-storey commercial building and a multi-storey mixed use building and associated basement car parking.

Stage 2 (Lot 3) – subdivision of land into one (1) super lot, public realm upgrades and works (Clisby Court), creation of access lane and use and development of the land for a multi-storey mixed use building and associated basement car parking.

Stage 3 (Lot 2) – subdivision of land into one (1) super lot, public realm works and use and development of the land for a multi-storey mixed use building and associated basement car parking.

Stage 4 (Lot 1) – subdivision of land into one (1) super lot, public realm works, closure of Fairbank Lane, and use and development of the land for a multi-storey mixed use building and associated basement car parking.

Stage 5 (Lot 6 and Lot 7) – subdivision of land into two (2) super lots, public realms works, creation of a lane and use and development of the land for the purpose of two multi-storey mixed use buildings and associated basement car parking.

Any plans endorsed by the Responsible Authority pursuant to any condition of this Incorporated Document may be amended with the written consent of the Responsible Authority.

The Box Hill Central North Master Plan (2022) must not be altered or modified without the prior written consent of the Minister for Planning.

Requirement before a planning permit is granted

- 4.8. An application to subdivide or use the site, or construct a building, or construct or carry out works on the site, for the purpose of using or developing the site in accordance with this Incorporated Document, must be accompanied by detailed plans and accompanying report(s) that assess the proposal against the provisions of the Box Hill Central North Master Plan (2022) and the conditions set out in Clause 4 of this Incorporated Document to the satisfaction of the Responsible Authority. The following documents must be provided (as relevant):

Indicative Staging Plan

- 4.9. An Indicative Staging Plan must be submitted to and approved by the Responsible Authority. The Indicative Staging Plan must be generally in accordance with the Box Hill Central North Master Plan (2022) and must identify:
- a. The proposed sequencing of development, the indicative timing of the provision of public realm works, infrastructure and services and overall integration with other development stages; and
 - b. Vehicular access points, road infrastructure works and traffic management for each stage of the development.

Planning Permit Application Plans

- 4.10. Architectural Plans for each stage must be submitted to and approved by the Responsible Authority. The fully dimensioned plans must include, as appropriate:
- a. Existing conditions, including earlier stages of development if relevant;
 - b. Detailed site layout plans;
 - c. Site interface plans and the extent of any public realm areas that will be included as part of the planning permit application area;
 - d. Architectural plans and elevations including pedestrian access, vehicle and bicycle access, loading and other services;
 - e. The extent of ground level activation;
 - f. The location of through building links such as arcades, atria or similar;
 - g. The location of publicly accessible spaces such as plazas or similar;
 - h. Details of shadowing of open space areas, roads, streets/footpaths, lanes, plazas and the like in relation to both the site and its surrounds;
 - i. A development schedule, including floor areas (gross floor area) by land use;
 - j. The design and layout of all dwellings to achieve compliance with the requirements of Clause 58 (Apartment Developments) of the Planning Scheme;
 - k. Details of how undeveloped land will be treated in the interim for future stages; and
 - l. Details of materials and finishes.

Architectural Design Principles

- 4.11. The design of the overall site and each individual building should be exemplary and utilise high quality materials and finishes. Development should:

- a. Provide architectural themes and material and finishes generally consistent with the design requirements indicated within the Box Hill Central North Master Plan (2022); and
- b. Address overall architectural variety, podium design, integration of transport and design principles for each of the buildings shown in the Box Hill Central North Master Plan (2022).

Reflectivity

- 4.12. Except with the consent of the Responsible Authority, all external façade materials and finishes must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the surface.

Landscape Plan

- 4.13. A Landscape Plan for each stage must be submitted to and approved by the Responsible Authority. The Landscape Plan must be generally in accordance with the Box Hill Central North Master Plan (2022) and plans drawn to scale, with dimensions, which show:
 - a. Details of all proposed landscaping associated with the buildings including communal terraces, and podium and rooftop spaces (as relevant);
 - b. A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c. Deep soil zones of at least 1.5m or planter pits for canopy trees as appropriate
 - d. Buildings to provide a minimum 40 per cent total surface area as green cover.
 - e. Details of any proposed green walls including plant species, irrigation and drainage, and maintenance arrangements and responsibilities;
 - f. How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored;
 - g. Details of all hard-landscaping materials finishes and treatments and urban design elements including paving, lighting, seating and balustrading. Details of surface materials and finishes and construction of retaining walls, pathways, kerbs and access ways;
 - h. Tree species capable of growth to maturity within confined planting conditions, including but not limited to those trees located within containerised planters; and
 - i. Any landscaping works to be generally in accordance with *City of Whitehorse Landscape Guidelines 2012* (or any subsequent equivalent document), materials, plant species and finishes.

Open Space Strategy

- 4.14. An Open Space Strategy for the site and for each stage, must be submitted to and approved by the Responsible Authority. This strategy should be generally in accordance with the *Whitehorse Open Space Strategy 2007* (or any subsequent equivalent document) and should address (but not limited to):
 - a. Public open spaces and privately owned open spaces that will be publicly accessible;
 - b. Identify the hours of public access;

- c. The primary role and function of each open space; and
- d. Maintenance and management regimes.

Ground Plane Activation Strategy

- 4.15. A Ground Level Activation Strategy for each stage must be submitted to and approved by the Responsible Authority. The Ground Level Activation Strategy should include:
- a. Detail finished floor levels to demonstrate the minimum finished floor levels;
 - b. Any level changes required between street level and internal ground floor be integrated into the building design and public realm works to maintain good physical and visual connection between street and building interior;
 - c. Design elements and materials be resilient;
 - d. Include cross-sections;
 - e. Landscaping and public realm treatments;
 - f. Treatment of level changes (e.g. batters, retaining walls); and
 - g. DDA compliant pedestrian accesses.

Sustainability Management Plan

- 4.16. A Sustainability Management Plan (SMP) for each stage must be submitted to and approved by the Responsible Authority. The SMP should respond to the provisions of Clause 22.10 of the Whitehorse Planning Scheme and should include (but not limited) as appropriate:
- a. A detailed response to Clause 22.10 of the Whitehorse Planning Scheme;
 - b. An Integrated Water Management Assessment addressing stormwater quality performance in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters) are satisfied;
 - c. A STORM report with a score of 100% or greater (or MUSIC modelling for large scale developments); and
 - d. Evidence to the satisfaction of the Responsible Authority that demonstrates the development is registered to obtain a minimum 5 Star Green Star Design and As-Built v1.2 rating with the Green Building Council of Australia.

Wind Impact Assessment

- 4.17. A Wind Impact Assessment Report for each stage, must be submitted to and approved by the Responsible Authority. The Wind Impact Assessment must be generally in accordance with the Box Hill Central North Masterplan Environmental Wind Assessment report prepared by Mel Consulting, dated 11 November 2020, but modified as necessary to align with the detail of the planning permit application.

Transport Impact Assessment

- 4.18. A detailed Transport Impact Assessment (TIA) for each stage, must be submitted to and approved by the Responsible Authority. The TIA must be generally in accordance with the

Box Hill Central North Masterplan Transport Impact Assessment prepared by GTA, dated 11 November 2020, but modified to include as appropriate:

- a. Functional layout plans and other supporting information;
- b. Pedestrian, bicycle and vehicle access points;
- c. Car parking at a rate that encourages alternative modes of transport to the private motor vehicle, and which must not exceed the following unless otherwise agreed by the Responsible Authority:
 - i. 1 space per one and two bedroom apartment;
 - ii. 2 spaces per three or more bedroom apartment;
 - iii. 0.1 car space per apartment for visitors (rounded down to the nearest whole number);
 - iv. 3.5 spaces per 100m² of Gross Leasable Floor Area for retail uses (rounded down to the nearest whole number); and
 - v. 2 spaces per 100m² of Net Floor Area for office and all other non-residential uses (rounded down to the nearest whole number).
- d. Bicycle parking to meet the objectives at Clause 52.34 of the Planning Scheme;
- e. Loading, delivery and waste collection arrangements; and
- f. Swept path diagrams demonstrating appropriate access arrangements to the site including all internal parking areas and loading and servicing requirements.

Green Travel Plan

- 4.19. A Green Travel Plan for each stage, must be submitted to and approved by the Responsible Authority in consultation with the Head, Transport for Victoria. The Green Travel Plan should include (but not limited to):
- a. objectives linked to measurable targets, actions and performance indicators; and
 - b. description of the existing active private and public transport context.

New Roads and Laneways

- 4.20. Engineering drawings and computations for new roads and laneways (as applicable) must be submitted to and approved by the Responsible Authority. The engineering documents should detail:
- a. All road works and associated drainage to the satisfaction of the Whitehorse City Council;
 - b. A cross section of any new road showing above and below ground placement of services, street lights, street furniture and street trees (as applicable);
 - c. The plans and cross section of the new road must demonstrate how services, driveways, street lights and street furniture will be placed so as to achieve the street reserve width and accommodate street tree planting (as applicable);

- d. Independent drainage, the direction of stormwater runoff and a point of discharge for the land to the satisfaction of the Whitehorse City Council;
 - e. Underground reticulated water (including dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network), sewerage, gas, electricity and telecommunications located and bundled (utilising common trenching) to the satisfaction of the Whitehorse City Council and the relevant servicing authority(s);
 - f. All works for stormwater, water sensitive urban design, drainage, street trees, and landscaping;
 - g. All bearings, distances and levels, as necessary; and
 - h. Staged delivery of any roads and laneways, including how suitable public access will be maintained during construction.
- 4.21. Before each stage of the development is occupied, any land identified or set aside as a new road or laneway on the approved plans must be transferred to, or vested in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new road or laneway that is agreed to be retained in private ownership to the satisfaction of Whitehorse City Council.

Temporary Works

- 4.22. The landowner/developer must to the satisfaction of the Responsible Authority construct temporary buildings and works (such as landscaping works to activate and improve the site and street frontages) for any stage of the development should:
- a. the land remain vacant for 6 months after completion of the demolition; or
 - b. demolition or construction activity ceases for a period of 6 months; or
 - c. construction activity ceases for an aggregate of 6 months after commencement of the construction.
- 4.23. Before the construction of the temporary works start for any stage of development, details of the works must be submitted to and approved by the Responsible Authority. Temporary works may include:
- a. The construction of temporary buildings for short-term community or commercial use. Such structures shall include the provision of an active street frontage; or
 - b. Landscaping of the site or buildings and works for the purpose of public recreation and open space.

CONDITIONS AND REQUIREMENTS FOR PLANNING PERMITS

A planning permit granted must include the following Agreements condition:

Agreements

- 5. Prior to issue of an occupancy permit for the development (or relevant stages of the development), the owner of the land must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

The agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, to the satisfaction of Responsible Authority:

- a. Sale of not less than six per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent:
 - a. To a Registered Housing Agency; or
 - b. To Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- b. Lease of not less than six per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, for not less than 13 years from the occupation of the dwellings:
 - a. To a Registered Housing Agency; or
 - b. To Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
 - c. Any alternative delivery method providing that it demonstrates the total monetary amount of the Affordable Housing Contribution is equivalent to or above two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the responsible Authority.

For the purpose of the Agreement:

- 'Eligible Household' means a purchaser or tenant that meets the threshold for a very low income household, low-income household or moderate income household at the time of entering the contract of sale, consistent with Section 3AB of the *Planning and Environment Act 1987*.
 - 'Affordable Housing' has the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*.
 - 'Market Value' means the value of a Dwelling as determined by an independent, qualified Valuer.
6. Prior to issue of an occupancy permit for the development (or relevant stages of the development), the owner of the land (or another person/entity anticipated to become the owner of the land) must:
- a. Do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and
 - b. Pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Expiry

7. The controls in this Incorporated Document expire if one of the following circumstances applies:
- a. The development allowed by the control is not commenced within three (3) years of the approval date of Amendment C245whse to this Planning Scheme.
 - b. The development allowed by the control is not completed within ten (10) years of the approval date of Amendment C245whse to this Planning Scheme.

The Minister for Planning may extend these periods if a request is made in writing before these controls expire or within three months afterwards.