

Planning Assessment Officer Report

PA2503975 – 85 Overport
Road, Frankston South



Planning Assessment Officer Report
Development Assessment

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Contents

Executive Summary	2
Background	4
Site History	4
Subject Site and Surrounds	6
Site Description	6
Site Surrounds	8
Proposal	11
Planning Provisions	17
Zoning and Overlays	21
Particular and General Provisions	25
Relevant Strategic Plan / Planning Scheme Amendments	28
Referrals and Notice	29
Assessment	32
Recommendation	61
Appendix 1: Assessment of Clause 53.17 (Residential Aged Care Facility) development requirements	62
Appendix 2: Council Submission and Objection summary and responses	65

Executive Summary



Key Information	Details		
Application No:	PA2503975		
Received:	10 October 2025		
Statutory Days:	116		
Applicant:	Vasey RSL Care c/ Ratio		
Planning Scheme:	Frankston		
Land Address:	85 Overport Road, Frankston South, or Lot 1 on PS310799		
Proposal:	Development of the land for a residential aged care facility (80 beds) and retirement village (414 units) located partially within a Bushfire Management Overlay and including both the removal of vegetation (including the removal of canopy trees) and construction of buildings and works within an Environmental Significance and Significant Landscape Overlay		
Development Value:	\$ 320.6 m		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part of the Act where Clause 53.22 (Significant Economic Development) applies.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 32.08	General Residential Zone	<p>Construct a building or construct or carry out works for a residential aged care facility</p> <p>Construct a building or construct or carry out works associated with a Section 2 Use (retirement village)</p>
Overlays:	Clause 42.01	Environmental Significance Overlay – Schedule 4	<p>Construct a building or construct or carry out works within the Tree Protection Zone of any significant tree specified in the table to the schedule</p> <p>Remove, destroy, prune or lop any vegetation listed in the table to the schedule.</p>
	Clause 42.03	Significant Landscape Overlay – Schedule 3	<p>Construct a building or construct or carry out works within the Tree Protection Zone of any substantial tree</p> <p>Remove, destroy, prune or lop any substantial tree.</p>
	Clause 43.02	Design and Development Overlay – Schedule 1	<p>Construct a building or construct or carry out works.</p> <p>Construct a fence.</p>
Particular Provisions:	Clause 44.06	Bushfire Management Overlay – Schedule 1	Construct a building or construct of carry out works associated with accommodation
	Clause 52.37	Canopy Trees	Remove, destroy or lop a canopy tree
Cultural Heritage:	A cultural heritage management plan was not required as though part of the site is located within an area of Aboriginal cultural heritage sensitivity, this land has already been subject to significant ground disturbance, therefore not requiring a CHMP per the <i>Aboriginal Heritage Regulations 2018</i> .		
Total Site Area:	7.62	hectares	
Site coverage:	21,568	m ²	



Height:	6	Storeys above NGL (Block A, B, C and D)
	19.69	Metres above NGL excluding plant/lift overrun (Block A building)
Land Uses:	Residential aged care facility – 80 bed facility, connected to an ancillary communal facility comprising café, physio, kitchen, administration offices etc.) Retirement Village – includes 414 retirement living units (105 affordable housing units, 52 assisted living units, 237 standard units, 20 villas) and ancillary onsite amenities contained within two separate community hubs containing a café, library, activity rooms, gym, pool, event spaces etc..	
Parking:	Cars	Bicycles
	452 resident spaces (346 within basements, 66 at-grade) and 86 visitor spaces (at-grade) and 27 staff spaces	60 at-grade bicycle parking spaces across the site and 14 secure undercover bicycle parking spaces for residents and RAC staff
	Total: 565 spaces	Total: 74 spaces
Referral Authorities:	Head, Transport for Victoria (section 55) Fire Rescue Victoria (section 55) Frankston City Council (section 52(1)(b))	
Public Notice:	The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d). Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none">• Three signs displayed on site for at least 14 days• Direct mail notice to owners and occupiers of adjoining and surrounding properties. <p>46 objections have been received as of 24 March 2026.</p>	
Delegates List:	Approval to determine under delegation received on 20 March 2026.	



Site History

1. The site (Lot 1 of PS310799) known as 85 Overport Road, Frankston South is currently used for the purposes of a retirement village (veterans housing) and residential aged care (RAC) facility, owned and operated by the permit applicant Vasey RSL Care (VRSLC) that currently services 120 RAC residents and 83 retirement village units for veterans housing.
2. The site has been historically used as both a RAC facility and retirement village dating back to 1975 and has been continuously used as a retirement village and RAC facility in excess of 15 years. These uses, including the retirement village (section 2 use) are therefore accepted as the existing use of the site, per Clause 63.01 (Extent of Existing Use Rights) of the Frankston Planning Scheme.
3. The key milestones in the application process were as follows:

Milestone	Date
Pre-application request received	October 2024
DFP Eligibility letter issued	2 October 2025
Application lodgement	10 October 2025
Further information requested	7 November 2025
Further information received	1 December 2025
Decision Plans	Plans (Revision B) prepared by Thomson Adsett inclusive of the Masterplan, Block A Plans Block B1 Plans, Block B2 Plans, Block C plans, Block CH plans, Block D Plans, Block D Plans, Block E Plans, ESA Apartments Plans, Maintenance Shed Plans, RAC and ALU Plans, Villa 1 Plans, Villa 2A & 2B plans and Villa 3 Plans
Other Assessment Documents	<p>Architectural Report prepared by Thomson Adsett (Revision B) and dated 28 November 2025</p> <p>Town Planning Report prepared by Ratio and dated 28 November 2025</p> <p>Landscape Masterplan prepared by T.C.L and dated 29 September 2025</p> <p>Landscape Memorandum prepared by Thomson Adsett and dated 28 November 2025</p> <p>Arborist Development Impact Assessment (inclusive of Tree Data Sheets attachment) prepared by Arbor Survey and dated 19 August 2025</p> <p>Transport Impact Assessment prepared by Ratio and dated 28 November 2025</p> <p>Waste Management Plan prepared by Ratio and dated 2 September 2025</p> <p>Sustainable Management Plans (Stages 1, 2, 3 and 4) each prepared by ADP Consulting and dated 15 August 2025</p> <p>Affordable Housing Report prepared by Vasey RSL Care, Version 02-2024</p> <p>Bushfire Development Report prepared by Teramatrix and dated September 2025</p> <p>Feature and Level Survey prepared by JR Edwards Land Surveyors and dated 25 October 2023</p> <p>Masterplan Cost Report prepared by Currie & Brown and dated May 2025.</p> <p><u>Documents Provided in Response to Submissions</u></p> <p>Response to Outstanding Matters and Objections Memo prepared by Ratio and dated 12 March 2026</p> <p>Discussion Plan (ESA Apartments) prepared by Thomson Adsett and dated 20 March</p>



2026

Without Prejudice Amended Tree Masterplan prepared by T.C.L and dated 26 March
2026

4. The subject of this report is the decision plans and documents (as described above).



Site Description

5. The subject site is comprised by a large single lot of approximately 76.2 hectares known as 85 Overport Road, Frankston South. The site contains a network of internal privately owned roads and a number of individually addressed properties. The site is located on the eastern side of Overport Road, Frankston South and is generally rectangular in shape, excluding the northern portion of the site which follows the bend of Overport Road and the rear boundaries of properties at Sweetwater Drive to the site's north and east. The site has a combined frontage of 388 metres to Overport Road and an approximately 39 metre frontage to Sweetwater Drive at the north of the site, proximate to the roundabout at the corner of Overport Road and Sweetwater Drive.



Figure 1 – Aerial image of the subject site and surrounds (Source: Architectural Report prepared by Thomson Adsett).

6. The existing site contains an extensive number of buildings and a network of internal roads that provide access from Overport Road. The retirement village (83 single storey attached villas, community hall) located within the northern portion of the site, accessed via Sage Drive while the RAC facility (seven separate buildings including an administration/ kitchen/hall building) occupies the southern portion of the site and is accessed via Holland Drive. There are also two separate detached single storey dwellings located proximate to the Overport Road frontage in the southern portion of the site and two maintenance sheds located in the south-east of the site. All existing structures are proposed to be demolished, with the exception of 21 villa units in the north of the site.



Figure 2 – Images of retirement village buildings existing on site (Source: Town Planning Report, prepared by Ratio)



Figure 3 – Existing main entrance to Overport Road – Holland Drive (Source: Town Planning Report, prepared by Ratio)

7. There is scattered planted garden vegetation across the site. There are 315 trees/tree groups across the site, with approximately 135 trees/tree groups on site subject to the Environmental Significance Overlay (ESO4) or Significant Landscape Overlay (SLO3). Eight street trees are also located within the Overport Road road reserve adjacent to the north-eastern corner of the reserve.



Figure 4 – Diagram of existing canopy coverage on the site and surrounds (left) and an image of three of the Cyprus Pine Trees within the Overport Road frontage (Source: Architectural Report, prepared by Thomson Adsett and Arborist Report prepared by Arbor Survey)

8. There is also a notable fall across the site, generally falling from the south (80.12 AHD) to the north (56.00 AHD), which equates to an approximate 24.12 metre slope across the site.
9. The site is formally described as Lot 1 on Plan of Subdivision 310799T and is not affected by any restrictions however a number of easements are present on site along the southern, eastern and northern boundaries, related to the supply of water or reserved for drainage and sewerage purposes.

Site Surrounds

10. The area surrounding the site is predominately used and developed for residential purposes, as well as for recreational purposes associated with the Frankston Nature Conservation Reserve, Upper Sweetwater Creek Reserve and the Frankston Reservoir all located to the east of Sweetwater Drive and the sports and recreation facilities at Overport Park, located on Overport Road approximately 1.2km south of the site and Delacombe Park approximately 500 metres north of the site. Excluding public parks and recreation facilities, the main non-residential use of surrounding land are education centres, include Frankston High School approximately 500 metres north-east of the site, Overport Primary School approximately 720 metres north of the site and Derinya Primary School approximately 500 metres south of the site.
11. Further afield, the site is located approximately 2km south of the new Frankston Hospital and 3km south of the Frankston Activity Centre and associated train station, which provides convenient access to the Melbourne CBD. The route 772 bus provides public transportation to these destinations and stops directly outside the site on Overport Road, with an existing bus stop and shelter located immediately south of the site's Holland Drive entrance.

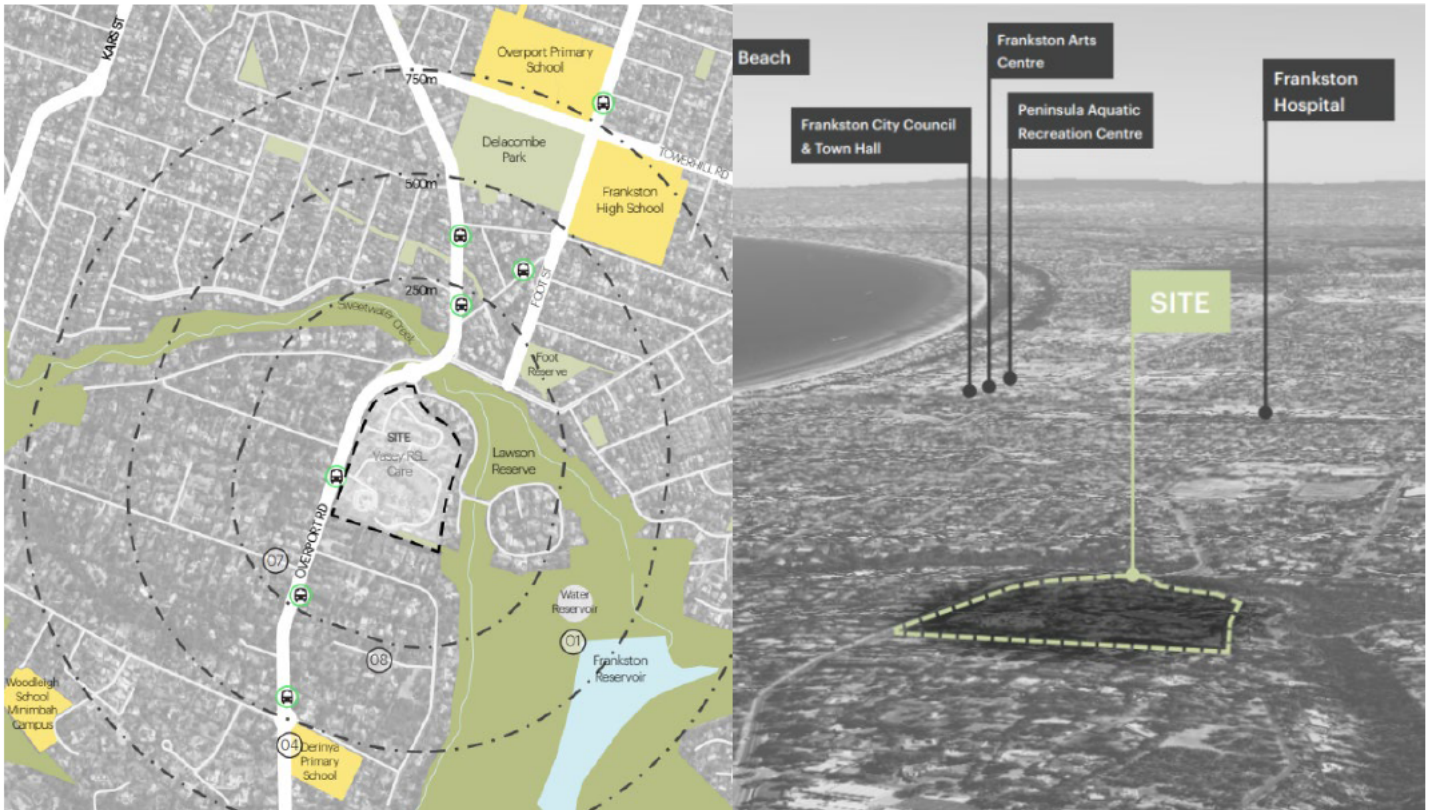


Figure 5 – Map of the site and notably features within a 1km radius (left) and aerial of the site in relation to key notable services and amenities in the wider area (Source: Architectural Report, prepared by Thomson Adsett)

12. The development immediately surrounding the site is summarised as follows:
13. To the north of the site is the start of Sweetwater Drive a dead-end local street and a number of single occupancy dwellings which front Sweetwater Drive which are typically either single or double storey. The rear yards of these properties which interface the site include some scattered tree canopy and vegetation.
14. To the east of the site, is the continuation of Sweetwater Drive and a pattern of development and vegetation/rear yard scape consistent with the northern Sweetwater Drive properties, though the lot depth of some properties in the centre of the eastern boundary is reduced, due to a bend in Sweetwater Drive.



Figure 6 – Example of the nature of dwellings fronting Sweetwater Drive (site located to the rear of these properties) (Source: Town Planning Report, prepared by Ratio)



15. To the south of the site are multiple properties located along the northern side of Derinya Drive, as well as the side boundary of 87 Overport Road. These properties are on deep allotments and typically developed with single and double storey, single occupancy dwellings with a variety of outbuildings, swimming pools and other backyard features, such as a tennis court. Vegetation is scattered across the rear yard scape of these properties with a distinctive row of pine trees located within 9-15 Derinya Drive's rear yards and another significant tree located in 87 Overport Road's side yard both closely abutting the southern boundary.



Figure 7 – Example of dwellings fronting Derinya Drive with the row of pine trees in the rear of 9-15 Derinya Drive visible in the background.

16. To the west of the site is Overport Road, a Transport Zone 3 (significant municipal road) which is the responsibility of Frankston City Council. Overport Road has a generally north-south alignment and total road reserve width of approximately 19 metres, providing one lane in each direction and a car parking/service lane for vehicles. A round about which provides access to Sweetwater Drive is located within Overport Road, adjacent to the northern end of the site's frontage. A bus stop is also located adjacent to the Holland Drive entrance of the site, with associated bus zone.



Figure 8 – Overport Road adjacent to the site (looking south, opposite Holland Drive) and the Route 772 bus stop (Source: Town Planning Report, Ratio)

Proposal summary

17. The application seeks approval for the staged redevelopment of the Vasey RSL Care site at 85 Overport Road, Frankston South which is to include a residential aged care facility and multiple buildings, including an assisted living accommodation building, apartment buildings, townhouses and villa units in association with use of the land as a retirement village, as well as series of internal roads, paths open space and ancillary facilities to service the retirement village including a fitness centre, community hub and café. A comprehensive overview of all development and the staging of the development proposed is provided below.
18. At a glance, the proposed development includes:
- An 80-bed residential aged care facility.
 - 414 retirement living units comprising:
 - 105 affordable housing units (equating to 25% of the overall retirement living units) in the form of 66 apartments, 10 villas, and 8 townhouses, as well as 21 existing villa units which are proposed to be refurbished. The affordable housing units are to be provided for lease to eligible tenants by the operator (Vasey RSL Care) at a discounted rate.
 - 52 assisted living units.
 - 237 units across 7 individual apartment buildings.
 - Ancillary retail, recreation and community facilities incorporated into the RAC and retirement living buildings, as well as a standalone community hub and maintenance shed.
 - An overall site coverage of 43%, site permeability of 41% and canopy coverage of 24%.
 - Removal of approximately 222 trees/tree groups across the site.
 - A total of 567 car parking spaces including 452 resident spaces, 86 visitor spaces and 27 staff spaces.
 - Construction of a porte cochere and associated vehicle access to Overport Road and the construction of new internal roads which connect to the existing internal road network on site.

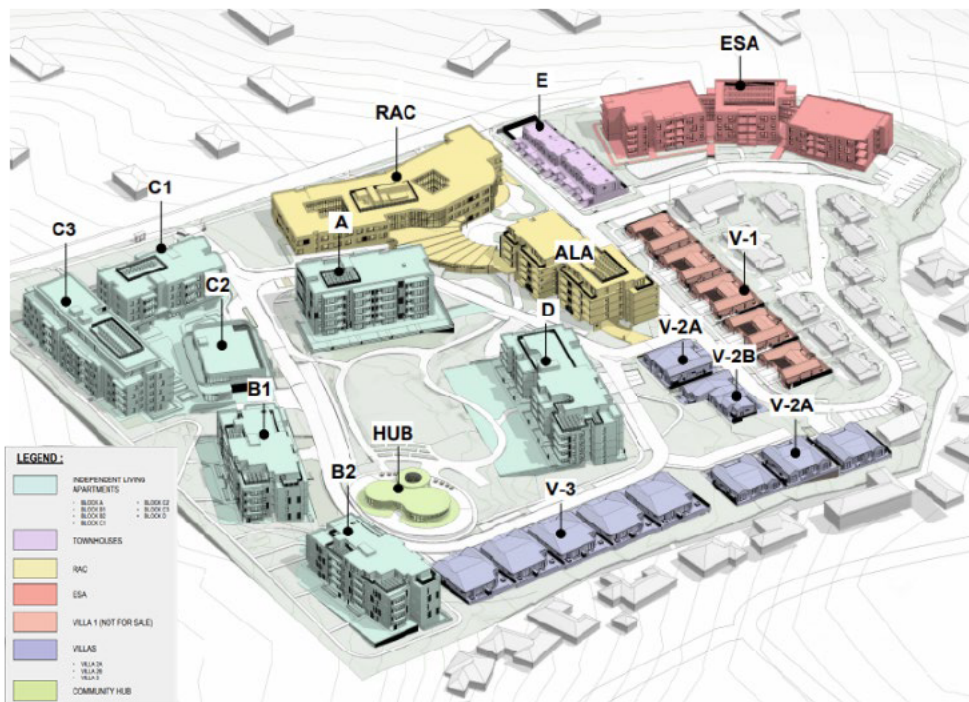


Figure 9 – 3D diagram of the overall development masterplan (Source: Masterplan, prepared by Thomson Adsett)



19. In accordance with the definition of 'retirement village' at Clause 73.03 (Land Use Terms) of the Frankston Planning Scheme, the land will continue to be used to provide permanent accommodation for retired people or the aged. This notably also includes housing for veterans and their families, in line with the definition of 'retired person' under the Retirement Village Act 1986, which refers to a person who has attained the age of 55 or has retired for full time employment (ie. the military).
20. The development is proposed to be constructed across four main stages, as well as a fifth and final stage to refurbish the 21 villas to be retained in the north of the site.

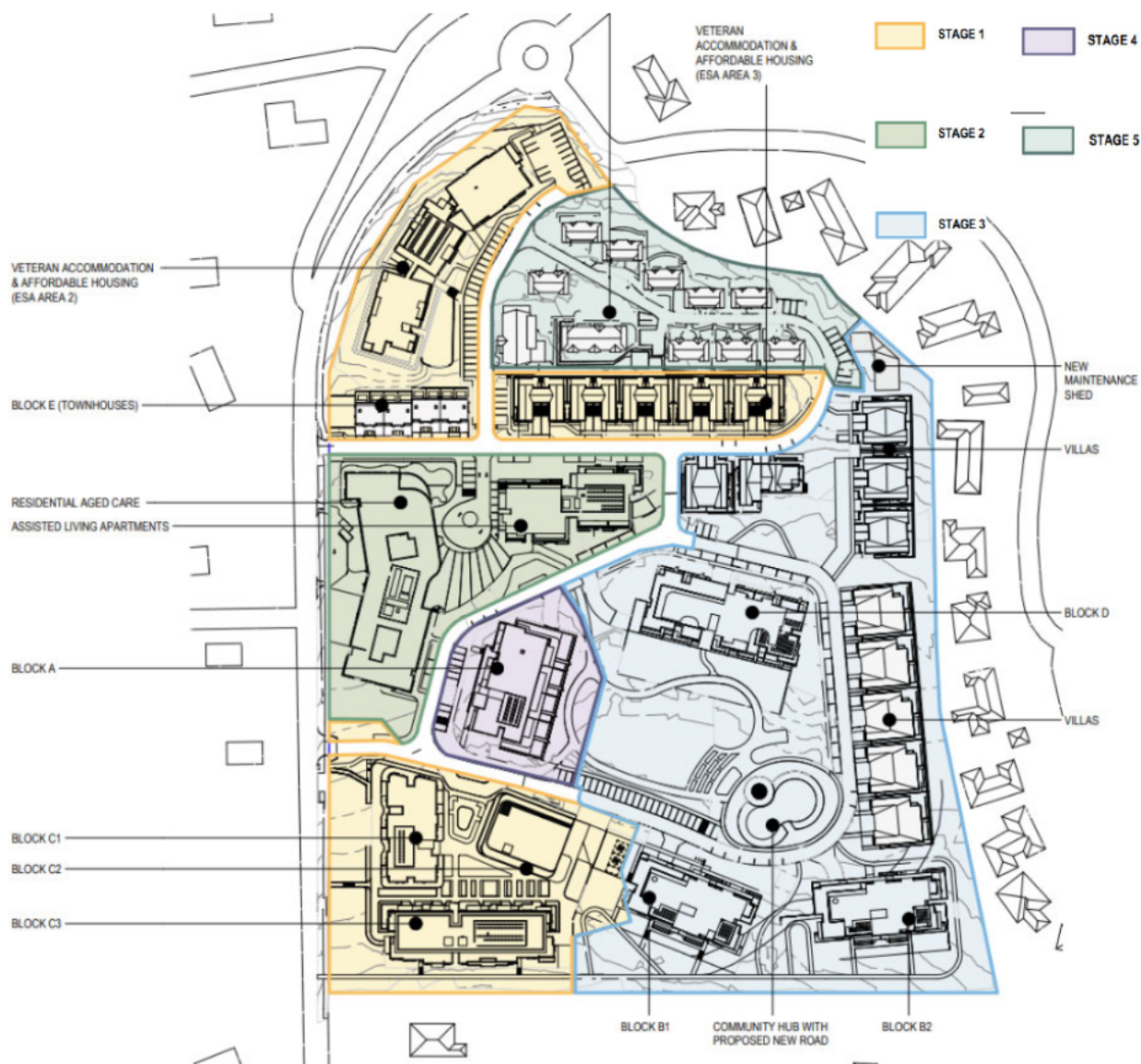


Figure 10 – Staging masterplan overview (Source: Masterplan, prepared by Thomson Adsett)

A summary of the development stages is as follows:

21. **Stage 1**

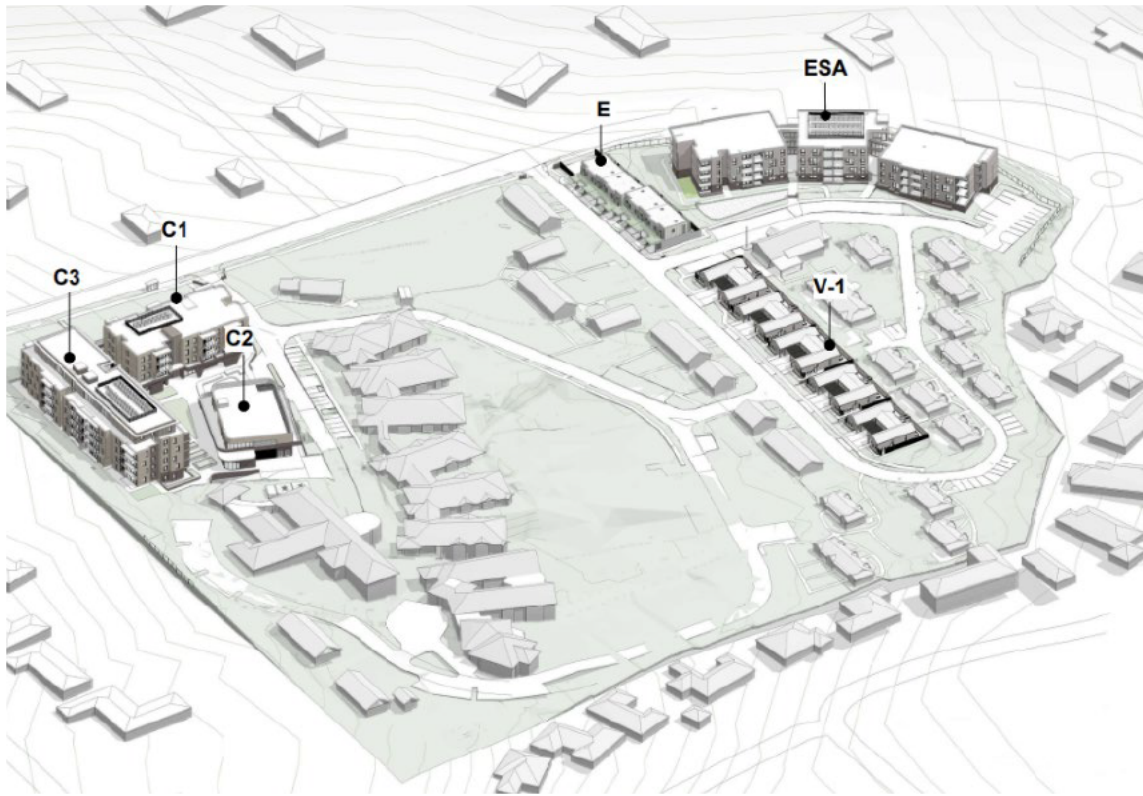


Figure 11 – Stage 1 3D diagram overview (Source: Masterplan, prepared by Thomson Adsett)

- **Ex-Service Accommodation (ESA) apartments**
 - 66 Affordable Housing apartments (38 x 1-bedroom & 28 x 2-bedroom)
 - 4 storeys
 - 66 resident car parking spaces (basement) and 13 visitor spaces (at grade)
- **Ex-Service Accommodation (ESA) townhouses (Block E)**
 - 8 Affordable Housing townhouses, all two-bedroom
 - Double storey
 - 8 resident parking spaces (individual garages)
- **Ex-Service Accommodation (ESA) Villas**
 - 10 Affordable Housing villas, all two-bedroom
 - Single storey
 - 20 resident parking spaces, individual garage and tandem parking space for each unit.
- **Block C – Independent Living Units**
 - Building C1 & C3 = 68 units (58 x 2-bedroom, 10 x 3-bedroom)
 - 4 storeys (C1) and 5 storeys (C3)
 - Central piazza area and community hub (Building C2), double storey containing gym, pool, clubhouse, library, event space etc.
 - 81 resident parking spaces (basement), 13 visitor parking spaces and 1 staff parking space

22. **Stage 2**

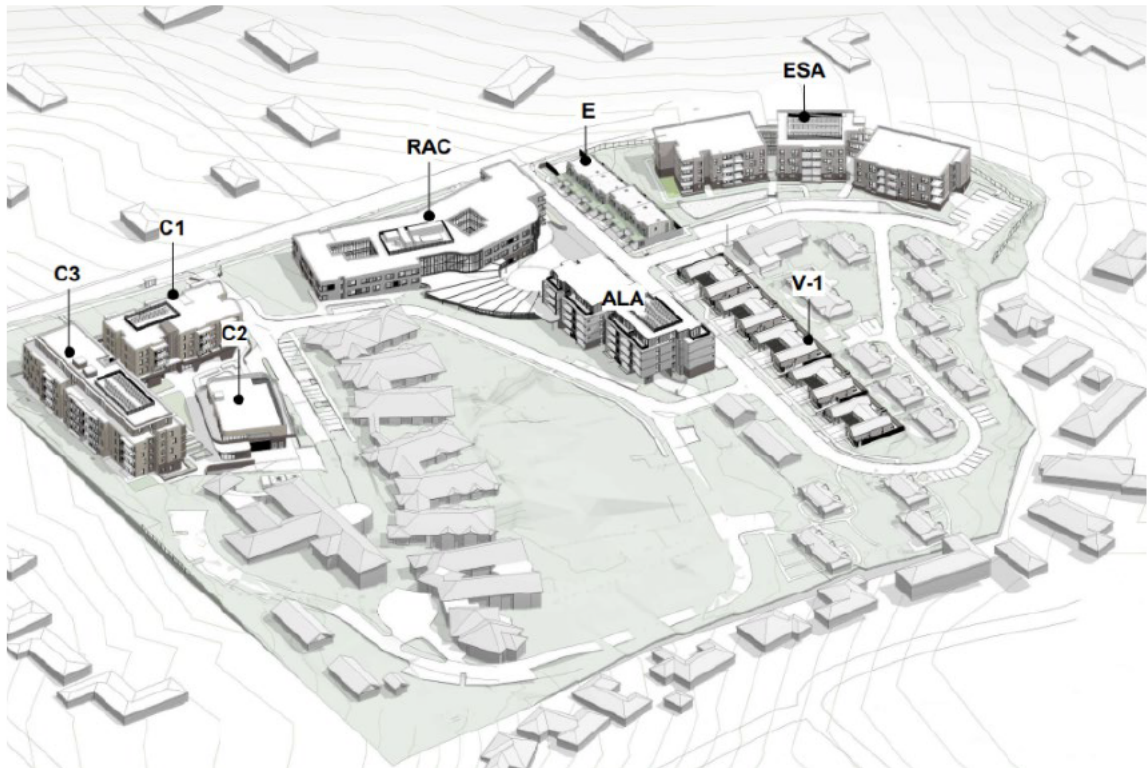


Figure 12 – Stage 2 3D diagram overview (Source: Masterplan, prepared by Thomson Adsett)

- Residential Aged Care (RAC) & Assisted Living Apartment (ALA) Buildings
 - 80 bed RAC facility and 52 assisted living apartments (35 x one-bedroom, 17 x two-bedroom)
 - 2-3 storeys (RAC) and 4-5 storeys (ALA)
 - 24 residential aged care car parking spaces, 55 ALA resident parking spaces (both within basement) and 10 visitor parking spaces (at grade). Waste and loading provided in frontage of RAC via proposed crossovers to Overport Road.
 - RAC and ALA building includes a number of communal resident area and staff facilities. Both buildings are linked by a ground floor lobby accessed from a shared drop-off/pick-up culdesac, with shared ground floor facilities (café, physio etc.).

23. **Stage 3**

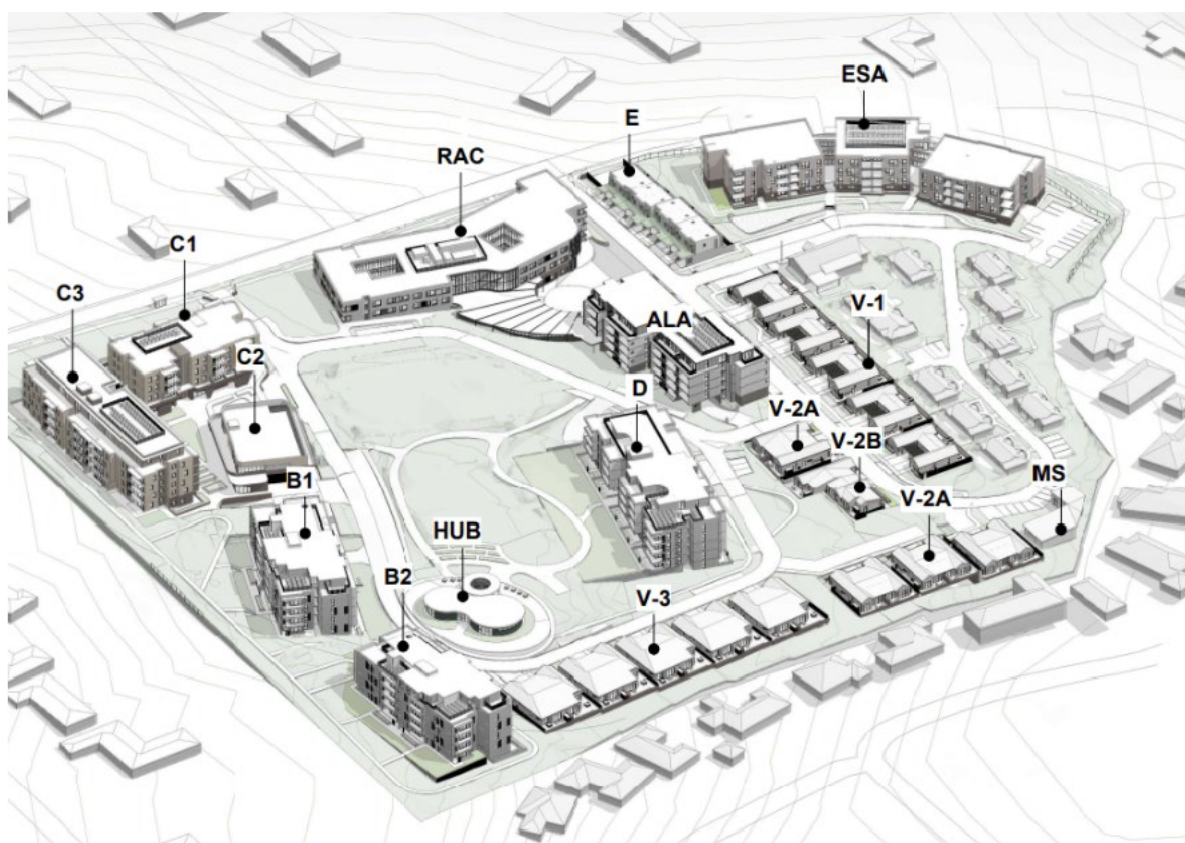


Figure 13 – Stage 3 3D diagram overview (Source: Masterplan, prepared by Thomson Adsett)

- Retirement Village Villas
 - 10 Villas (V-2A & V-2B Villas) with 2 bedrooms each and 10 Villas (V3) with 5 x 2-bedroom and 5 x 3-bedroom
 - All single storey in side by side orientation.
 - Each villa to have an individual garage and tandem parking space (40 spaces in total)
- Building B1 – Independent Living Units
 - 41 units (4 x 1-bedroom, 31 x 2-bedroom, 6 x 3-bedroom)
 - 5 storeys
 - 42 resident parking spaces (basement), 8 visitor parking spaces (at grade)
- Building B1 – Independent Living Units
 - 41 units (4 x 1-bedroom, 31 x 2-bedroom, 6 x 3-bedroom)
 - 5 storeys
 - 42 resident parking spaces (basement), 8 visitor parking spaces (at grade)
- Block D – Independent Living Units
 - 52 units (5 x 1-bedroom, 41 x 2-bedroom, 6 x 3-bedroom)
 - 5 storeys
 - 68 resident parking spaces (basement), 10 visitor parking spaces (at grade)

- Community Hub
 - Single storey building in south-east corner of the site, for the ILUs and villas to utilise
 - Includes cinema room, kitchen, library, games room and outdoor barbecue area.
- Maintenance Zone
 - Maintenance shed in north-eastern corner of the site for the storage of garden and building maintenance equipment.
 - 5 metre maximum height.

24. **Stage 4**

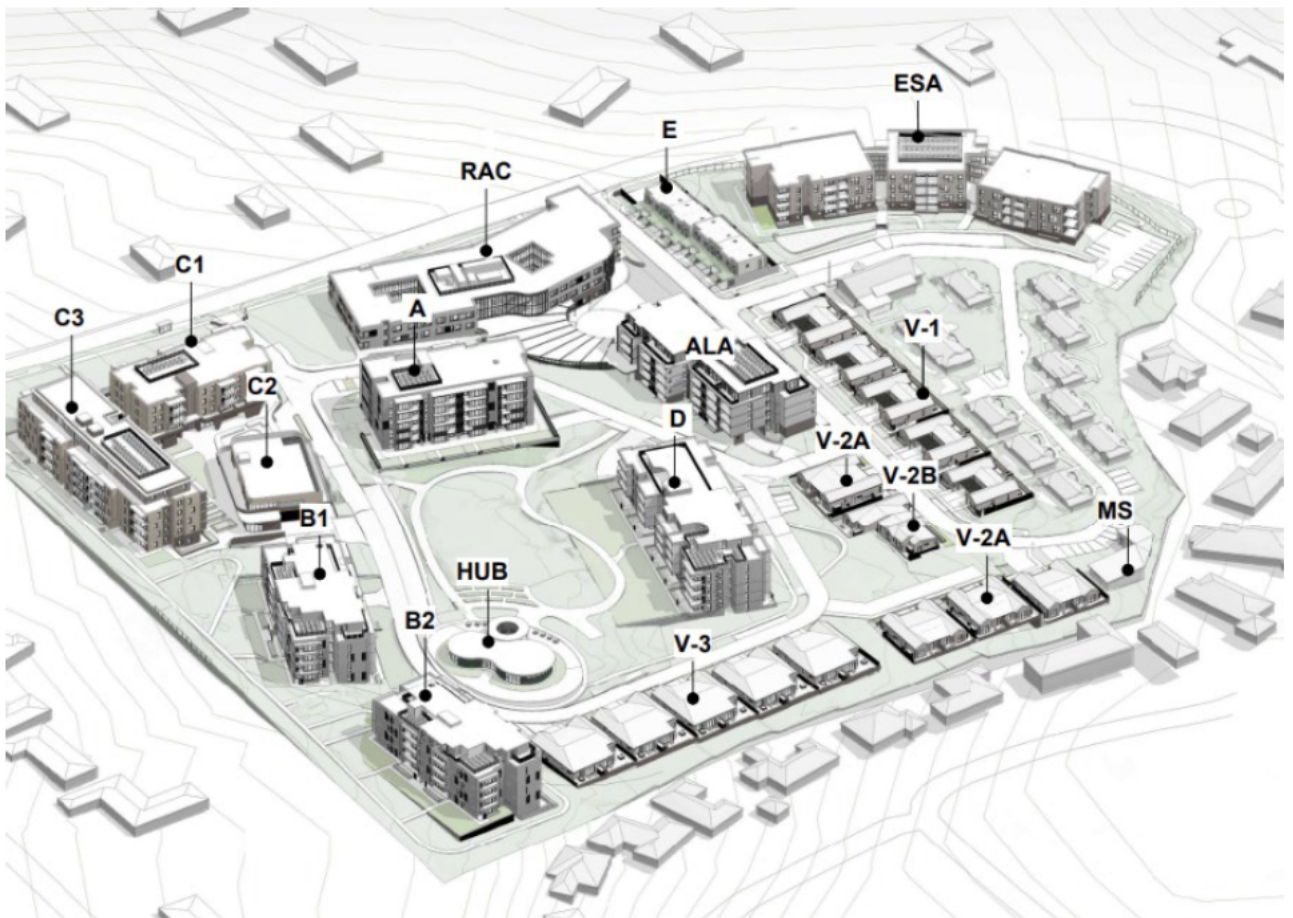


Figure 14 – Stage 4 3D diagram overview (Source: Masterplan, prepared by Thomson Adsett)

- Block A – Independent Living Units
 - 35 units (30 x 2-bedroom, 5 x 3-bedroom)
 - 5 storeys
 - 40 resident parking spaces (basement), 7 visitor parking spaces (at grade)

25. **Stage 5**

- Refurbishment of 21 existing villas and the existing Nui-Guini Hall (in south-western corner of the stage).
- 21 existing at grade car parking spaces also retained.



Municipal Planning Strategy

26. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement – Urban Growth
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity – Amenity protection
02.03-4	Built environment and heritage
02.03-5	Housing
02.03-7	Transport
02.04	Municipal strategic framework plan

Planning Policy Framework

27. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1S	Settlement – Victoria
Clause 12	Environmental and Landscape Values
12.05-2S	Landscapes
12.05-2L	Frankston landscapes
12.06-1S	Urban forests
12.06-1L	Frankston Urban Forest
Clause 13	Environmental Risks and Amenity
13.02-1S	Bushfire planning
13.05-1S	Noise management
13.07-1L	Non-residential uses in residential zones
Clause 14	Natural Resource Management
14.02-1S	Catchment planning and management
Clause 16	Built Environment and Heritage
15.01-1S	Urban Design
15.01-1L-02	Urban Design
15.01-2S	Building Design
15.01-2L-02	Environmentally Sustainable Development
15.01-5S	Neighbourhood character
15.01-5L-01	Frankston preferred neighbourhood character



Clause 16	Housing
16.01-1S	Housing Supply
16.01-2S	Housing Affordability
16.01-5S	Residential aged care facilities
Clause 18	Transport
18.01-3S	Sustainable and safe transport
18.02-4S	Roads
Clause 19	Infrastructure
19.03-3S	Integrated water management
19.03-3L	Integrated water management
19.03-5S	Waste and resource recovery

28. The assessment section of this report provides a detailed assessment of the relevant planning policies.
29. In addition to the relevant planning policy framework provisions listed above, the following local policies are relevant:

Frankston Housing Strategy 20013 & 2018

30. This policy, which is relevant to consider pursuant to Clause 16.01-1L (Housing supply) was prepared to support the housing objectives to be achieved by the Frankston Planning Scheme and adopted original adopted by the council in 2013, and later updated and adopted by the council on 4 June 2018. The strategy outlines several Housing Change Areas, each providing for varying levels or population growth and density based on existing levels of amenity and access to services.
31. The site is located within a 'Minimal Change Area' which the 2018 strategy notes as being residential areas with little capacity to support future housing growth and have been delineated for locations that:
- Are restricted in terms of minimum lot size (e.g. in the Low Density Residential Zone).
 - A predominantly constrained or partially constrained land (ie. schools, hospital, land outside of the urban growth boundary).
 - Are identified as being acutely vulnerable to inundation due to stormwater, flooding and included within the Special Building Overlay.
 - Have medium-high Ecological Vegetation Community (EVC) ratings on lots over 0.4 hectares in area.

The strategy recommends that the extent of housing change should be replacement of single dwellings and limited medium density (dual occupancy).

32. The site does not meet these locational criteria and unlike much of the surrounding Minimal Change Area land, is not currently used for low density single dwelling occupancy. The site is located on the periphery to an Incremental Change Area which applies to established residential areas which provide some opportunities for housing growth and change over time, provided developments are well-design and have regard to neighbourhood character. Incremental Changes areas are delineated in locations that may be located outside easy walking distance from activity centres and the Principal Public Transport Network, may possess some environmental constraints on development and may have a lot configuration that is not conducive to high density residential development. It is intended that substantial proportions of new growth in all suburbs will be provided through development in incremental changes.

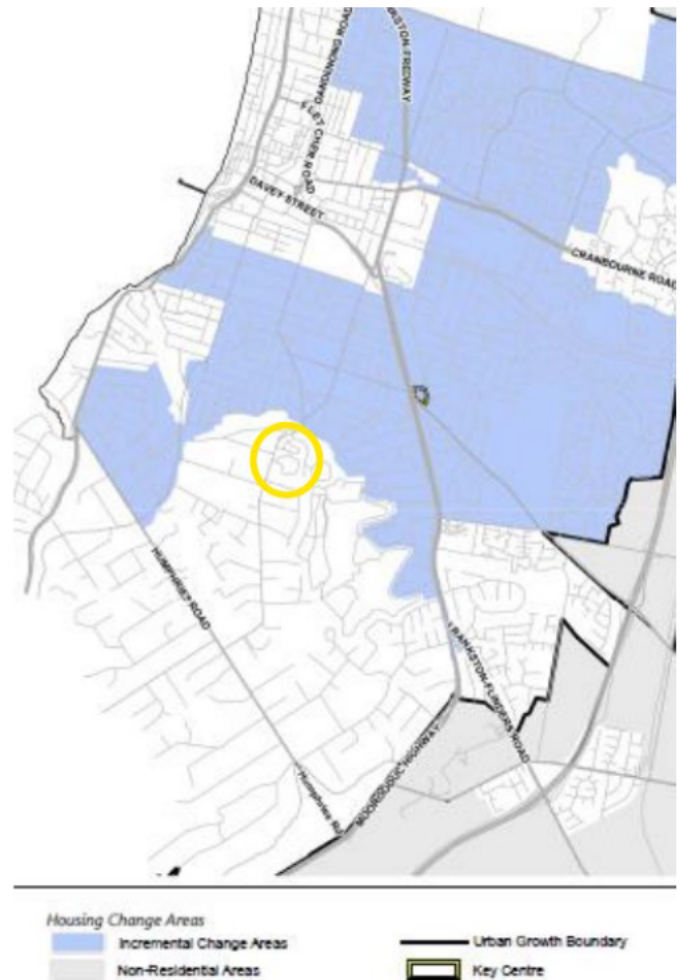
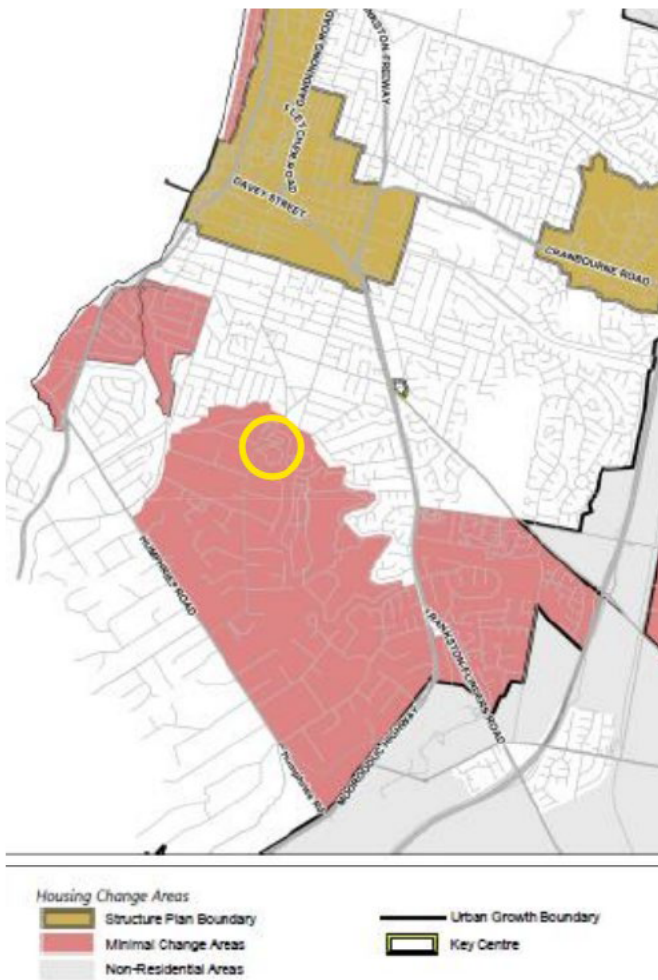


Figure 15 – Excerpt from Frankston Housing Strategy (2018) showing the site (circled in yellow) in the context of Minimal Change Areas (left) and Incremental Change areas (right)

Frankston City Neighbourhood Character Study 2002 & 2023 Neighbourhood Character Review

33. This policy which is relevant for consideration pursuant to Clause 15.01-5L (Frankston preferred neighbourhood character) identifies the key characteristics and features of the neighbourhoods of the City of Frankston and identifies neighbourhood character sub-precincts across the city, which are to be read in conjunction with precinct brochures which outline specific requirements and policy guidelines for residential development, to ensure they respect the preferred future neighbourhood character.
34. The site is located within the Rural Bush sub-precinct and included within the Frankston South 8 (FS8) Character Statement Brochure. The preferred character statement for FS8 states that the 'remnant bush landscape is to be maintained, spaciousness of the and its relationship to the Sweetwater Creek environs are to be strengthened by:
 - Protecting remnant indigenous vegetation.
 - Encouraging planting of indigenous vegetation in private gardens in areas visible from the public domain.
 - Limiting the proportion of site coverage by buildings and hard surfaces.
 - Encouraging low scale dwellings that sit within the landscape.
 - Ensuring buildings are sited within grounds with substantial setbacks from all boundaries.
 - Encouraging open or farm fence style front boundary treatments.

- Strengthening informal planting of indigenous vegetation on roadside reserves.

FS8 states that extensive hard surfaced area, high solid or semi-solid front fences, buildings with high site coverage, development from boundary to boundary and clearance of vegetation all present issues/threats to the preferred character being achieved.

35. A review of the current Neighbourhood Character strategy as part of the wider Frankston City Housing Strategy is in process, with a background report a Neighbourhood Character Review being prepared as a background report to the Frankston Housing Strategy dates 31 March 2023. This review has sought to review and revise the now out of date existing neighbourhood character areas and precinct profiles and has identified the site as being within the 'Bush Coastal 2 (BC2) Neighbourhood Character Area' which applies to the Frankston South area (see below excerpt).



Figure 16 – Excerpt of the site's location (circled in red) in the current FS8 precinct map and the draft Bush Coastal 2 precinct map identified in the 2023 Neighbourhood Character Review

Frankston Affordable Housing Policy 2025

36. The Frankston Affordable Housing Policy was adopted by the council on 11 August 2025 and provides a framework to guide and facilitate increasing the supply of well-located affordable housing within Frankston City that provide a diverse mix of well-designed, accessible and sustainable housing types. The policy recognises the greatest affordable housing needs in the city are for:

- Smaller households (one and two-bedroom dwellings), single-income households and couples without children.
- Very low-income households in need of social housing.
- Key workers who live in households with moderate incomes or below which are to be well-located for employment.
- Population cohorts which include older singles, women over the age of 50 years, women escaping family violence, young people, Aboriginal or Torres Strait Islander people, people with disabilities, low-income renters and people experiencing homelessness.
- An ageing population.

Zoning and Overlays

Applicable Zone

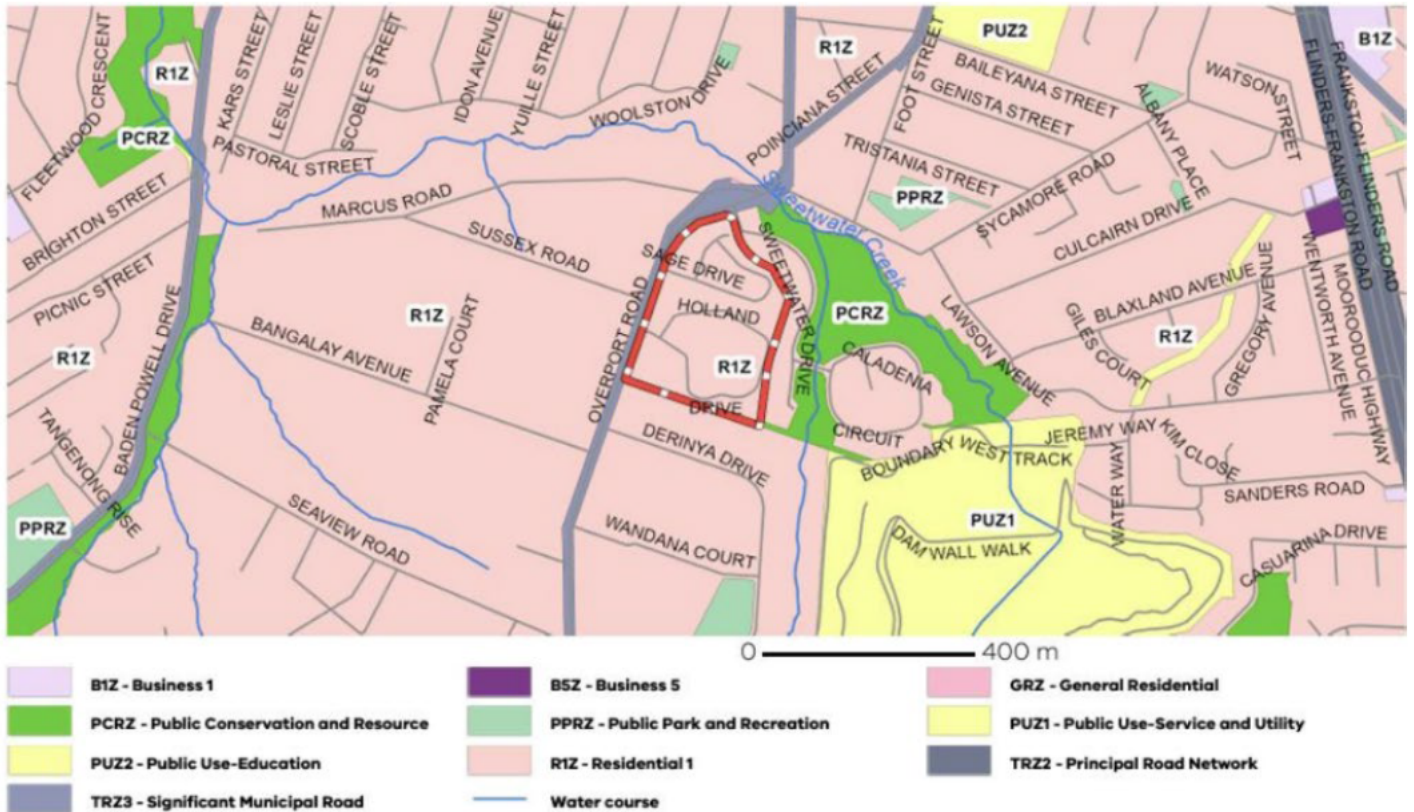


Figure 17 – Zoning map of the subject site and surrounds (Source: Town Planning Report, prepared by Ratio)

37. A planning permit is required in the General Residential Zone to construct a building or construct or carry out works for a residential aged care facility and construct a building or construct or carry out works associated with a Section 2 Use (retirement village). The purpose of the General Residential Zone is:
- To implement the Municipal Planning Strategy and Planning Policy Framework.
 - To encourage development that is response to the neighbourhood character of the area.
 - To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
 - To allow educational, recreation, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate location.
38. While a retirement village is prescribed as a section 2 use in the table of uses at Clause 32.08-2 (Accommodation not otherwise specified), the site benefits from existing use rights and per Clause 63.05 (Sections 2 and 3 Uses) may continue without primary authorisation for the use, provided certain requirements are met. These requirements have been met and therefore a planning permit is not required to use the land for a retirement village.
39. A residential aged care facility also does not require a planning permit for use within the General Residential Zone, as a Section 1 – ‘permit not required’ use.
40. The General Residential Zone includes decision guidelines at Clause 32.08-14 for applications made under the zone, while Clause 32.08-9 also specifies that a development for a residential aged care facility must meet the requirements of Clause 53.17 (Residential aged care facility).

41. The mandatory minimum garden area requirements and building height requirements of the General Residential Zone are not applicable to a residential aged care facility or buildings and works for Section 2 Uses.

Applicable Overlay/s

Environmental Significance Overlay – Schedule 4

42. The site is affected by Environmental Significance Overlay Schedule 4 (ESO4) which relates to 'significant trees and areas of vegetation'.
43. The purpose of the overlay includes: to protect areas of significant vegetation, ensure that development minimises loss of vegetation and preserves existing trees and other vegetation. The statement of environmental significance states the following:

Frankston City contains many individual trees, groups of trees and areas of vegetation with special significance. Native and exotic trees and other vegetation contribute to diversity of significant trees because of landscape, habitat, horticultural or genetic value, are rare or of localised distribution, are outstanding examples of their species or are of cultural or historical significance.

44. A planning permit is required to remove, destroy or lop any vegetation listed in the table to this schedule or to construct a building or construct or carry out works within the Tree Protection Zone (TPZ) (as defined in the schedule) of any significant tree specified in the table to the schedule.
45. The only vegetation which requires a planning permit to remove, destroy or lop or to construct buildings and works within the TPZ are a row 10 x *Cupresses macrocarpa* trees fronting Overport Road which are significant for local aesthetic reasons under the *Frankston City Council Significant Trees Register- Tree Assessment Sheet (June 2011)*. It is proposed to remove five of these trees being, Trees 9, 10, 12 and 14, and to construct buildings and works within the TPZ of Trees 22, 23, 25, 27, 29 and 30.

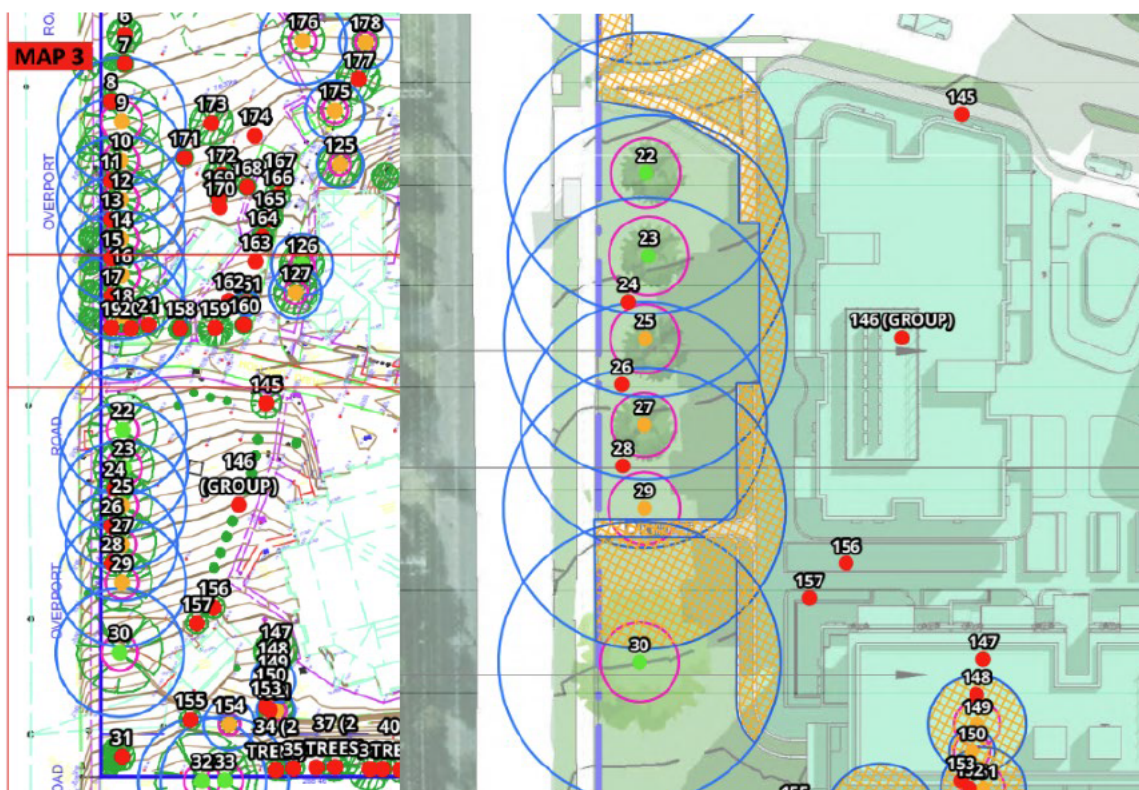


Figure 18 – Excerpt from tree survey plan (left) showing the location of the ESO4 trees in the Overport Road frontage and excerpt from the development impact plan of the extent of built form encroachment on the ESO4 trees to be retained (Source: Arborist Report, prepared by Arbor Survey)



46. The decision guidelines of the schedule are discussed below.

Significant Landscape Overlay – Schedule 3

47. The site is also affected by a Significant Landscape Overlay, Schedule 3 which relates to the Frankston South Area.
48. The purpose of the overlay is to conserve and enhance the character of significant landscapes. The landscape character objective to be achieved is to maintain the well vegetated landscape character of Frankston South.
49. A planning permit is required to remove, destroy or lop any ‘substantial tree’ or to construct a building or construct of carry out works within a TPZ (as defined in the schedule) of any substantial tree. A substantial tree is defined by the overlay as any vegetation (native or exotic) that has a trunk circumference greater than 0.50 metres at 1.4 metres above natural ground level. A number of trees across the site proposed to be removed meet the definition of a ‘substantial tree’ and building and works are proposed within the TPZ of approximately 32 trees, both on the site and within adjoining land.

Significant Landscape Overlay – Schedule 3 (SLO3)	Project Site
	Trees 4, 6-20, 22-31, 34-40*, 42-54, 56-60, 62-73, 75, 77, 78, 87-91, 94, 96, 100, 102, 107-113, 115, 116, 120-124, 131, 132, 134, 135, 145, 150, 151, 153, 154, 161, 168, 171, 173, 175, 177, 179, 182, 185, 186, 190, 203, 204, 224, 230, 231, 237-241, 245, 263, 265, 267*-271 & 237*-277
	Neighbours
	Trees 32, 33 & 55*
	Council
	Trees 323 & 325-327

Figure 19 – Excerpt from arborist report summarising all ‘substantial trees’ on and surrounding the site which are subject to the planning permit requirements of the SLO3 (Source: Arborist Report, prepared by Arbor Survey)

Design and Development Overlay – Schedule 1

50. The site is affected by a Design and Development Overlay, Schedule 1 which relates to the Frankston South area. The design objectives include:
- *To maintain and enhance the low density treed character of Frankston South in recognition of its contribution to the housing diversity and its landscape quality.*
 - *To ensure that development densities are consistent with the landscape character of the Frankston South area.*
 - *To ensure that development responds to the physical characteristics and landscape qualities of the Sweetwater Creek and its environs.*
 - *To ensure that new development responds to established and preferred streetscape and neighbourhood character and built form in terms of building height, scale, siting and landscape setting.*
 - *To ensure that development is compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems.*
51. A planning permit is required by the overlay to construct a building or to construct of carry out works. The overlay also requires that any buildings or works must not exceed 9 metres in height, or 10 metres in height where there is significant slope and this requirement ordinarily cannot be varied with a permit. Per the exemptions at Clause 53.23-2 (Significant Residential Development with Affordable Housing), the responsible authority may waive any building height or setback requirement within the scheme.

52. The overlay does not prescribe any other specific design requirements, but includes a number of decision guidelines which must be considered. This includes the views of Melbourne Water for any application within 20 metres of the Sweetwater Creek reserve or the top of the Sweetwater Creek bank. The site's northern/eastern boundary is located in excess of 20 metres from the banks of Sweetwater Creek.

Bushfire Management Overlay – Schedule 1

53. The site is partially affected by the Bushfire Management Overlay, Schedule 1, which applies to northern and eastern portions of the site, with the remainder of the site only being located in a designated Bushfire Prone Area. The purpose of the overlay includes to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire are ensure that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.
54. A planning permit is required to construct a building or construct or carry out works associated with accommodation land uses. The overlay also specifies that unless specified otherwise in a schedule to this overlay, any application must be accompanied by a bushfire hazard site assessment, bushfire hazard landscape assessment and bushfire management statement, must meet the requirements of Clause 53.02 (Bushfire Planning) and must be referred to the specified section 55 (determining) referral body, Fire Rescue Victoria.
55. Schedule 1 of the overlay relates to Bushfire Attack Level (BAL) -12.5 areas in the City of Frankston and its bushfire management objectives are to specify alternative bushfire protection measures and referral requirements to application to construct of extern one dwelling on a lot. Any other applications under the overlay must meet the requirement of Clause 53.02 (Bushfire Planning) instead, which is relevant for this application.

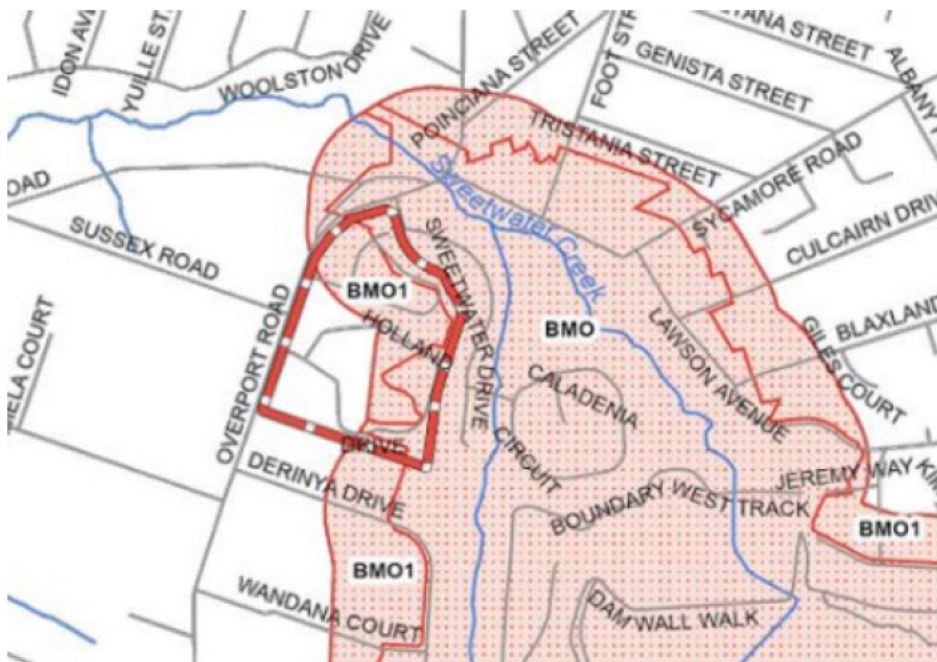


Figure 20 – Excerpt of BMO1 overlay extent map in relation to the site (Source: Architectural Report, prepared by Thomson Adsett)



Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 – Car Parking

- 56. Clause 52.06 sets out the requirements of car parking design and car parking provision for various uses. The site is located within a Category 1 area, requiring 0.3 spaces to each bedroom offered within a residential aged care facility and 1.2 spaces to each dwelling within a retirement village.
- 57. As discussed in further detail in subsequent sections of the report, the current statutory parking requirement of 471 spaces for the retirement village and 24 spaces for the RAC is met and therefore a planning permit is not required to reduce the statutory car parking requirement

Clause 52.12 – Bushfire Protection Exemptions

- 58. This purpose of this clause is to facilitate the removal of vegetation in specified circumstances to support the protection of human life and property from bushfire and as a result, exempts any requirement of the planning scheme to obtain a planning permit to remove, destroy or lop vegetation does not apply to the removal, destruction or lopping of vegetation (including trees) within 10 metres of an existing building (constructed before 2009) used for accommodation or along a boundary fence between properties in different ownership to a combined width of 4 metres, if the land is located in a designated bushfire prone area.
- 59. As the site includes numerous existing buildings used for accommodation and two shared boundaries to the east and south, a number of trees which ordinarily require a planning permit for removal under the ESO4, SLO3 and Clause 52.37 (Canopy Trees) are exempt from these requirements. Per the submitted arborist report this applies to the following trees:

Vegetation Controls / Exemptions	Applies to tree(s):
Clause 52.12 'Bushfire Protection: Exemptions'	Project Site Trees 1-3, 21, 61, 74, 76, 79-86, 95, 98, 99, 101, 103-106, 117, 118, 125-130, 138-144, 147-149, 155-158, 162-167, 169, 170, 172, 176, 178, 181, 183, 184, 191-202, 205, 207-214, 216-221, 223, 225-229, 232, 234, 235, 248*-258, 260-262, 272 & 278-318 Neighbours Trees 259 & 328 Council Trees 322 & 324

Figure 20 – Excerpt from arborist report summarising all trees on and surrounding the site which benefit from Clause 52.12 exemptions (Source: Arborist Report, prepared by Arbor Survey)

Clause 52.17 – Native Vegetation

- 60. This clause requires a planning permit to remove, destroy or lop any native vegetation, meaning plants that are indigenous to Victoria. While a number of the trees on site proposed to be removed are classified as native vegetation, per the table of exemptions of Clause 52.17-7, this does not apply to any native vegetation that was either planted or grown as a result of direct seeding. Per the submitted arborist report, it is considered that all of the Victorian native trees found on site have been planted and therefore, this clause does not apply to the removal of any trees on site.



Clause 52.34 – Bicycle Facilities

- 61. This clause outlines requirements for the provision of bicycle parking and end-of-trip facilities for a range of different uses, as well as design requirements to be achieved for these facilities, with a planning permit required to vary, reduce or waive any requirement of Clause 52.34-5 and 52.34-6.
- 62. Neither a residential aged care facility nor retirement village are listed in Table 1 to Clause 52.34-5 as a use with prescribed bicycle parking requirement and therefore the requirements of this clause do not apply to the application. Notwithstanding this, the proposal provides some resident and employee bicycle parking, as discussed in subsequent sections of this report.

Clause 52.37 – Canopy Trees

- 63. The purpose of this clause is to protect and enhance canopy tree cover and maximise retention of existing canopy tree cover in residential areas, while balancing development to meet the housing needs of Victoria's growing population.
- 64. The clause specifies that a planning permit is required to remove a canopy tree (defined as a tree of more than 5 metres in height above ground level with a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level and with a canopy diameter of 4 metres) in the General Residential Zone. This does not apply to a canopy tree (other than a boundary canopy tree) if the site is developed with an existing dwelling, with a boundary canopy tree being a canopy tree which has any part of its trunk within 6 metres of the narrowest street frontage of a lot of within 4.5 metres of the rear boundary of a lot. As there is an existing dwelling/s on site, only the boundary trees require removal under this clause, which are identified as the following trees:

Clause 52.37 'Canopy Trees'	Project Site
	Front 6m Setback Trees 1 - 19, 22-31, 211-215, 222 - 231, 233 & 239
	Rear 4.5m Setback Trees 67, 68, 69, 242 - 247, 254, 255, 258 - 266, 268, 275 - 278 & 328

Figure 21 – Excerpt from arborist report summarising all 'canopy trees' on and surrounding the site which are subject to the planning permit requirements of Clause 52.37 (Source: Arborist Report, prepared by Arbor Survey)

- 65. In addition to the planning permit requirements to remove a canopy tree, this clause also requires the number of canopy trees on site to meet the minimum canopy tree requirements depending on the size of the site, which may consist of both existing and new canopy trees. A 20% canopy tree requirement is required for the site as it is greater than 1,001 m². The clause also specifies minimum requirements to be met by any new canopy tree for deep soil planting area and canopy tree size and a number of decision guidelines for considering the removal of canopy trees and the appropriateness of new canopy trees under this clause.

General Requirements and Performance Standards

Clause 53.02 – Bushfire Planning

- 66. This clause applies to an application under Clause 44.06 (Bushfire Management Overlay). The clause includes a range of objectives at Clause 53.02-4 regarding matters including siting and design, defendable space and water supply, with both prescribed approved measures (which meet the bushfire planning objectives) and alternative measures which may be used if the responsible authority is satisfied that the objectives can be met.
- 67. The application's performance against these bushfire protection objectives is discussed in subsequent sections of this report.



Clause 53.17 – Residential Aged Care Facility

68. This clause applies to an application to construct a building or construct or carry out works for a residential aged care facility in the General Residential Zone. The clause prescribes a number of application and development requirements which apply to applications under the clause, including a maximum building height of 16 metres in the General Residential Zone must not be exceeded. Other requirements which should be met (but may be varied if appropriate) address street and side setbacks, off-site amenity impacts, site coverage and on-site amenity and operational requirements.
69. The development complies with the mandatory building height, with the RAC building which fronts Overport Road not exceeding 16 metres at any point above NGL (excluding roof plant screening etc). A detailed assessment of the RAC building's performance against the design requirements of Clause 53.17 can be found at Appendix 1 of this report.

Clause 53.18 – Stormwater management in urban development

70. Clause 53.18 applies to the buildings and works of this application with its purpose being to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.
71. The clause includes standards and objectives relating to stormwater at Clause 53.18-5 (Stormwater management objectives for buildings and works – Standard W1) and Clause 53.18-6 (Site management objectives – Standard W3). These matters are addressed as part of the submitted Sustainability Management Plan, which includes utilising the STORM assessment tool.

Clause 53.23 – Significant Residential Development with Affordable Housing

72. The application has been submitted under Clause 52.23 (Significant Residential Development with Affordable Housing). Clause 52.23 seeks to facilitate residential development that incorporates affordable housing to meet existing and future needs.
73. The development was confirmed as eligible under Category 1 of Clause 52.23 of the Frankston Planning Scheme as part of the Development Facilitation Program. The application was supported by the following application/eligibility requirements:
- A quantity surveyor report confirming the estimated cost meets the Category 1 threshold (\$50 million).
 - A letter from Invest Victoria confirming project viability.
 - A report outlining how the proposal will contribute to the provision of affordable housing contribution.
74. The affordable housing contribution is discussed in the assessment section of this report.
75. In addition to applications under Clause 53.23 being exempt from requirements of the planning scheme including building height and setback requirements, pursuant to Clause 53.23-5, an application under any provision of the planning scheme is exempt from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

Clause 55/57/58 (Apartment Developments)

76. As the application is for a retirement village and therefore the individual units and 'apartment buildings' are not classified as dwellings or a residential building, within the meaning of those terms at Clause 73.03 (Land Use Terms) of the scheme, the standards for residential development contained at Clause 55, 57 and 58 of the scheme are not applicable to the proposed development.
77. Despite this, consideration of matters contained within these clauses such as setbacks, building design and landscaping, off-site and on-site amenity has formed part of the assessment as a guide, as discussed further in subsequent sections of this report.



Relevant Strategic Plan / Planning Scheme Amendments

Plan for Victoria

78. In February 2025, Plan for Victoria (the new strategic plan for Victoria) came into effect, which is structure around five pillars for action:
- Self-determination and caring for country.
 - Housing for all Victorians.
 - Accessible jobs and services.
 - Great places, suburbs and towns.
 - Sustainable environments
79. Amendment VC283 gazetted on 9 September 2025 (prior to the application being submitted), modified the Victoria Planning Provisions of all planning schemes to implement the action points of Plan for Victoria. This resulted in references to the now superseded Plan for Melbourne 2017-2050 being removed from the scheme and most relevantly has amended state planning provisions related to Settlement and Housing to reference Victoria's Housing Statement 2023 and associated housing targets to deliver 2.24 million homes across Victoria by 2051, in accordance with Action 1 of Plan for Victoria.

Amendment VC277

80. This planning scheme amendment was gazetted on 18 December 2025 to amend car parking requirements and related policy to align car parking rates with demand and reduce the number of car parking spaces required in developments in locations well-serviced by public transport. The prescribed car parking rates for land uses contained in Table 1 of Clause 52.06-5 have been modified and categorised based on the land's access to public transport, with the site now located within a Category 1 area. Per Transitional Provision A provided at Clause 52.06-12, transitional provisions apply to an application to use or develop land made before the transition date (18 December 2025) in the event that both of the following apply:
- The proposal is for a use specified in Table 1 in its current form.
 - The number of car parking spaces that would be required for the proposal under the previous version of Clause 52.06 is less than the minimum number of car parking spaces required under the current clause.
81. Residential aged care facility and retirement village are both listed use in Table 1 of Clause 52.06 in the previous version of the clause and continue to be specified in Table 1 of the current clause, with retirement village now having an overall lesser car parking requirement than the former version of the clause (residential aged care parking requirements have remained unchanged). A rate of 1.2 spaces per retirement village unit (inclusive of all car parking ie. resident and visitor parking) is required under the current version of the clause, whereas previously 2 spaces were required for 3-bedroom or larger retirement village units (the proposal includes 38 x 3-bedroom units) as well as a separate requirement of one visitor parking space to every 5 dwellings.
82. The current statutory car parking requirement of 471 spaces for the retirement village use is not less than the combined 501 resident and visitor spaces required under the previous version of the clause. Therefore, the transitional provisions of clause 52.06-12 do not apply to the retirement village use and the rates contained in Table 1 in the current version of the clause are applicable in this instance.



Referrals

83. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport for Victoria	No objection, subject to conditions, (received 17 November 2025)
Section 52(1)(b)	Frankston City Council	Did not object but recommended further refinements to the proposal (received 25 February 2026)

Statutory Referrals

Head, Transport for Victoria

84. The Head, Transport for Victoria was referred the application pursuant to Clause 66.02-11 (Land use and transport integration) as the application was to construct a building or to construct or carry out works for a retirement village comprising 60 or more dwellings or lots.
85. The Head, Transport for Victoria did not object to the application, subject to the inclusion of conditions on the planning permit which generally seek to manage impacts to the bus service on Overport Road and associated bus stop adjacent to the site's entrance.

Municipal Council Comments

Frankston City Council

86. Frankston City Council (the council) considered the application and provided its formal comments on 25 February 2026.
87. In summary, the council did not object to the proposal as it believes the proposal generally achieves an acceptable outcome having regard to the relevant provisions of the Frankston Planning Scheme. However, the council raised a number of concerns it recommended be addressed by amended plans or permit conditions. These concerns are summarised as follows:
- Review the articulation of the Residential Aged Care building interfacing with Overport Road to ensure this 'does not dominate the streetscape and the wider landscape setting'. This is the most pressing concern as this building will have the most impact on the streetscape and is poorly articulated in its presentation to the street.
 - The ESA Area Two should have the upper levels setback to reduce impact on the streetscape. The slope of the land in this corner of the site means the building will sit higher than the streetscape on a natural elevation and will dominate the street and roundabout corner – a very visually prominent aspect of the site. This also poorly responds to the Neighbourhood Character Policy Strategies/Guidelines which seek to 'Utilise the existing contours of the site or stepping down the site to minimise site disturbance and impact of the building on the landscape'.
 - The proposal should provide open front fencing or post and wire style fencing throughout the development (other than along heavily trafficked roads) to strengthen the continuous flow of vegetation across the site.
 - Increase the setback of the maintenance shed to provide a more substantial landscape buffer (or alternatively relocate).
 - Tree impacted by works via paths, roads, demolition and temporary works should be retained where practical and incorporated into the design, especially those with elevated amenity, arboriculture value and ULE.
 - Trees with 20% or less TPZ encroachment should be considered for retention where amenity, species and ULE are suitable.



- The Concept Master Plan (and 4.2 Tree Masterplan) shows a lack of retention of existing trees. There are several trees shown to be removed that are outside the building footprint. A tree with no protection value can still be worthy of retention in a development, such as tree 34, 37 or where the tree is young specimen with good form.
 - Additional trees should be provided throughout the development in the following areas:
 - Entrance No. 1 Entry Garden, to provide a treed avenue entrance and other new driveway entrances.
 - Shade tree provided around seating areas in the No. 2 Urban Plaza around the pathways and playground in the Village Green.
 - Increase street tree planting near the eastern units and around western blocks.
88. A detailed response to the council's comments, including whether any conditions are recommended to address these concerns, can be found in **Appendix 2** of this report.

Internal Referrals

Urban Design

89. The application was subject to review by DTP's Urban Designers during the pre-application process and again following public notification and receipt of submissions and the council's comments. In considering design concerns raised by the council, it was recommended that the following modifications be sought through conditions of the planning permit:
- On balance, an increased setback to the ESA Area Two building from Overport Road is not required. However, further articulation of the exposed side elevation visible from the southern roundabout approach is recommended to provide visual interest to this corner profile. This could be achieved through additional horizontal articulation, material variation or increased glazing. Strengthening landscaping within this setback is also recommended to further soften the built form
 - Retain perimeter tree plantings where possible and practical, in line with arborist report recommendations.
 - A detailed landscape concept design is required to determine the extent of proposed landscaping including species, heights and tree retention. Additional landscaping/canopy planting should be provided within front landscaped setback areas of the eastern villa units.

Notice

90. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 32.08-13 of the General Residential Zone.
 - Clause 43.02-2 of the Design and Development Overlay
 - The Environment Significance and Significant Landscape Overlays.
 - Clause 42.02 (Vegetation Protection Overlay)
91. The applicant was directed to give notice by way of erecting three signs on the site and notifying adjoining and surrounding property owners and occupiers (where relevant).
92. 46 objections were received, raising the following issues:
- Inappropriate building height and built form response which does not respect the low-density neighbourhood character and visual bulk impacts as a result to adjoining property interfaces, the streetscape and public realm.
 - Offsite amenity impacts (overshadowing, overlooking, noise transmission, light pollution).



- Increased traffic congestion and associated safety impacts, particularly on Overport Road and to students who attend nearby primary schools and Frankston High School. insufficient parking for staff/visitors and associated impacts on on-street parking.
- Insufficient on-site car parking and associated impacts on street parking in surrounding streets.
- Increased demands on surrounding infrastructure, including schools – no guarantees housing will be limited to veterans or retired persons.
- Loss of vegetation and established tree canopy and associated impacts on biodiversity and habitat in proximity to Sweetwater Creek. Impacts on significant trees on neighbouring properties (ie. pine trees adjacent to the southern boundary)
- Stormwater and flooding impacts.
- Impacts on property values.
- Insufficient net community benefit achieved to justify proposal.
- Inadequate public consultation (timing, duration) and use of the Development Facilitation Pathway which removes appeal rights.
- Impacts during construction.

93. A detailed response to objections raised is contained in **Appendix 2**.



Strategic Direction and Land Use

94. The *Municipal Strategic Statement* and *Planning Policy Framework* encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
95. The proposal seeks to develop the land for a residential aged care facility and retirement village, consistent with the existing use of the land, which are both nested under the 'accommodation' umbrella of land uses. These land uses are independently categorised from standard residential buildings and dwellings, acknowledging that they anticipate built form typologies, types of tenure and onsite operations and amenities that may differ from standard apartment developments, to cater to the specific needs of intended occupants. Despite this distinction, the primary purpose of the proposal is to provide long-term residences for the elderly and retired veterans, at an increased density compared to the existing operations on site, with a range of ancillary amenities with minor staffing needs, which are compatible with a predominately residential area.
96. The proposal's intensification of the existing uses on site by approximately 500 additional residences is supported by state and local policy which generally seek to encourage increased housing choice that takes into account municipal contexts and frameworks and to direct growth within existing urban settlements, noting that the site is located within the Urban Growth Boundary.
97. The proposed development is consistent with the strategic directions of Clause 02.03-1 (Settlement) which directs accommodating Frankston's population growth and housing demands in areas best suited to provide a quality living environment for the intended residents, while Clause 02.03-6 (Housing) directs to encourage the provision of affordable housing in locations with existing services and encourage new housing stock that reflects Frankston's changing population requirements. Clause 11.01-1S (Settlement), Clause 16.01-1S (Housing supply), Clause 16.01-1R (Housing supply – Metropolitan Melbourne) and Clause 16.01-2S (Housing Affordability) largely echo these sentiments, while Clause 16.01-5S (Residential Age Care Facilities) prescribes several strategies to facilitate the development of appropriately located residential aged care facilities. These include recognising that residential aged care facilities contribute to housing diversity and choice and are an appropriate use in residential areas that should be located in residential areas close to services and public services that enable older people to live in appropriate housing in their local community with appropriate access to care and support services.
98. The proposal creates additional housing supply that caters to the needs of older/retired persons, including veterans and their families, who may wish to downsize but remain within their existing community, require additional at-home support or require affordable housing options. This aligns with the specific demographic and housing needs contexts of the City of Frankston, with the 2023 Frankston City Housing Strategy Discussion Paper noting that 27% of the population will be over 60 and 3,976 households will be lone person households (the fastest growing household type), by 2036. Further, Frankston's Affordable Housing Policy 2025 identifies some of the greatest needs for affordable housing options in Frankston, which has a current shortfall of 6,000 affordable homes, are present within the ageing population, older singles and women over 50 years of age.
99. The proposal responds to these demographic needs by creating additional provision for housing predominantly to service ageing or retired residents through a variety of housing stock options including 80 residential aged care beds, assisted living apartments, villa units, townhouses and apartments. The majority (83%) of retirement living housing stock is also catered towards small households in the form of 86 x one-bedroom retirement living units and 261 x two-bedroom retirement living units. Of the retirement living offerings, 105 dwellings (25%) are to be offered for lease as affordable housing, also in a range of housing typologies (apartments, villas, townhouses) primarily catered to small households.
100. The site is also located in reasonable proximity to services and amenities, located 2 km south of the new Frankston Hospital, 3 km south of the Frankston Activity Centre and railway station, which the site is well connected to by a number of local bus services, include the route 772 bus which stops directly outside the site on Overport Road. The site is also in close proximity (1km – 1.5km radius) of the Towerhill and Foot Street Neighbourhood Activity Centres, a large network of open spaces, recreation facilities and schools and the site will include a number of onsite services and amenities like a café, ancillary small retail tenancies, a community hub, library, cinema, pool and fitness centre etc. which can service the daily needs of residents.

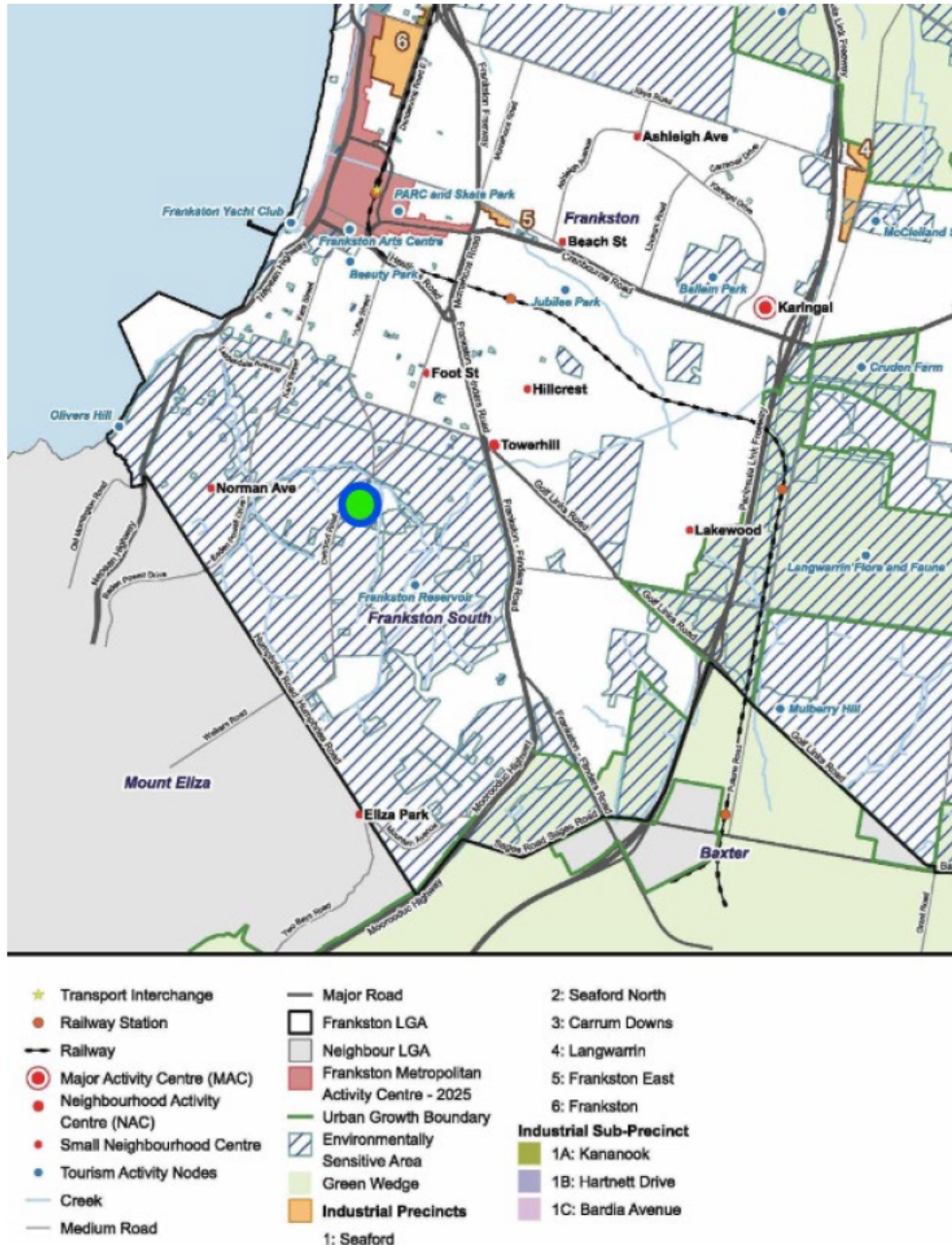


Figure 20 – Excerpt from Frankston’s Municipal Framework Plan at Clause 02.04 showing the site (green circle) in its surrounding strategic context.

101. It is acknowledged that the site is located within a ‘Minimal Change’ area per the current Frankston Housing Strategy 2018 referenced at Clause 16.01-1L (Housing Supply) which per the strategy, should be reserved for residential land subject to significant zoning or environmental constraints on development where only very minor and very limited increases in density should be encouraged. As a result, much of the Minimal Change area in Frankston South is subject to Design and Development Overlay- Schedule 1 (DDO1) which seeks to limit buildings heights to 8 metres (or 9 metres with significant slope) and subdivision sizes to at least 2,500 m² per lot with minor exceptions to maintain a low-density development character.
102. The features of the site, including its zoning and environmental constraints, generous size and existing higher intensity residential use do not meet the typical features of Minimal Change areas. The site is on the periphery of an ‘Incremental Change’ area, where proportionate increases in density that can be accommodated by the site



while respecting neighbourhood character are encouraged. See figure 22 which demonstrates the site's existing density is more comparable to Incremental Change areas than surrounding Minimal Change areas. Additionally, the General Residential Zone's purpose also includes encouraging a diversity of housing types and housing growth in locations with good access to services and transport and to allow a range of non-residential uses to serve local community needs in appropriate locations.



Figure 22 – Figure ground diagram showing the existing site coverage and density of built form on site, in context with density/built form in surrounding Minimal Change areas (to the west and south) and Incremental Change areas to the north (Source: Architectural Report, prepared by Thomson Adsett)

103. When considering this policy context and whether the proposed intensification of the development, which includes 11 buildings which exceed the DDO1 maximum building height (at 3-6 storeys) and a housing density that is higher than surrounding residential land, is appropriate, the unique features of the site and significant changes to overarching housing policy are relevant considerations.
104. The site is one of the largest single title landholdings in Frankston South, comparable only to some public reserves and larger schools in the surrounds. It therefore has the capacity to accommodate a higher intensity of development on the site which can be well integrated into the low-density character of the surrounds, without the same intensity of off-site amenity impacts posed, than would be possible on a smaller development area within the Minimal Change residential hinterland of Frankston South. The impacts of the proposed development on the surrounding character, residential amenity and transport network, including performance against the relevant decision guidelines of the General Residential Zone, are discussed in further detail in subsequent sections of this report. Further, despite the proposal's building height exceedances, it should be noted that a large portion of the site is proposed to be developed at, or retains existing units of a low density single storey scale, and still achieves a low 43% site coverage combined with at least 41% site permeability (see figure 23 below). This development pattern ensures significant provision for open green space and canopy coverage that is typical of the surrounding residential area is maintained on site.



Figure 23 – Comparison of permeable and/or green space across the existing site (left) and proposed development (right) (Source: Architectural Report, prepared by Thomson Adsett)

105. In addition to these attributes, the site's location on a Transport Zone 3 road (Significant Municipal Road), which already includes a range of non-residential developments (schools, childcare centres), connection to key local services and the Frankston Activity Centre, lack of significant environmental risks due to existing buffers between the site and Sweetwater Creek, all make the site a unique, strategic site for contributing to the city's diverse housing needs that cannot be catered to elsewhere in the surrounds. It is noted that Frankston's existing housing strategy and preferred neighbourhood character policy are both out of date and updates to this policy are on hold following recent changes to state planning policy including Victoria's Housing Statement and the Plan for Victoria housing targets which now form part of the scheme at Clause 16.01-1S (Housing Supply), with Frankston designated a target of 33,000 new homes by 2051. These changes in overarching state housing policy, together with the council's adoption of the Affordable Housing Strategy 2025 all place a greater emphasis on increasing the supply, diversity and affordability of housing in Frankston than existing local housing and neighbourhood character policy contends with, which is supported by the proposal.
106. Finally, the proposed uplift in building height (and subsequent intensification of an existing section 2 use) must be considered within the context of the net community benefit offered by the development, in accordance with Clause 71.02-1 (Purpose of the Planning Policy Framework). The proposal includes an affordable housing offering in excess of the minimum 10% affordable housing provision required by Category 1 of Clause 53.23 (Significant Residential Development with Affordable Housing, with 25% (105) of the retirement living units to be offered for lease as affordable housing. In addition to exceeding the minimum proportion of affordable housing required by Clause 53.23, the operator of the site, Vasey RSL Care (a not-for-profit) provides housing for ex-service veterans and their families, with affordable housing for these residents, including significantly discounted (55% of market rent) and transition housing for veterans re-entering the rental market to form part of the affordable housing offering. The combined additional supply of affordable housing and affordable housing provision for veterans demonstrates a strong net-community benefit to justify an acceptable exceedance of the DDO1 building heights, particularly when considering the Frankston area is home to the highest number of veterans, war widows and Veteran Gold Card holders residing in Victoria.

Buildings and Works

Height and Setbacks

107. The DDO1 which applies to the entire site prescribes a maximum building height of 9 metres for the site (due to its slope). Clause 53.23 allows the responsible to waive or vary any building height requirement of the scheme.



Clause 53.17 (Residential Aged Care Facility) also prescribes a maximum height of 16 metres for a RAC building in the General Residential Zone, which prevails over any other building height requirement of the scheme.

108. The proposed RAC building does not exceed 16 metres above natural ground level at any point, presenting a height of 8.7 metres – 12.757 metres above natural ground level along its western (Overport Road) frontage. The following proposed buildings do however exceed the DDO1, 9 metre maximum building height:
- ESA Apartments Affordable Housing units (Stage 1) – max. building height of 15.3 metres above NGL, 4 storeys in total
 - C1 Building Retirement Living Units (Stage 1) – max building height 13.38 metres above NGL, 4 storeys in total
 - C3 Building Retirement Living Units (Stage 1) – max building height 17.869 metres above NGL, 6 storeys in total due to basement projection but predominantly only 5 storeys above NGL due to fall of the land.
 - Assisted Living Building (Stage 2) – max. building height of 15.97 metres above NGL, 4 storeys in total
 - Block B1 Retirement Living Units (Stage 3) – max. building height of 16.335 metres above NGL, 6 storeys in total due to basement projection but predominantly only 5 storeys above NGL due to fall of the land.
 - Block B2 Retirement Living Units (Stage 3) – max. building height of 19.7 metres above NGL, 6 storeys in total due to basement projection but predominantly only 5 storeys above NGL due to fall of the land..
 - Block D Retirement Living Units (Stage 3) – max. building height of 18.98 metres above NGL, 6 storeys in total due to basement projection but predominantly only 5 storeys above NGL due to fall of the land.
 - Block A Retirement Living Units (Stage 4) – max. building height of 18.479 metres above NGL, 5 storeys in total.
109. The site's boundary interfaces include Overport Road to the west/north-west, Sweetwater Drive and the rear boundaries of low-density, single occupancy dwellings which front Sweetwater Drive to the east/north-east and the rear or side boundaries of single occupancy dwellings which front Overport Road and Derinya Drive to the south.
110. The development proposes a range of setbacks to create appropriate buffers between built form and adjoining sensitive interfaces which are discussed in further detail below. There are no specific setbacks requirements prescribed under the DDO1, while Clause 53.17 (Residential Aged Care Facility) which only applies to the RAC building, prescribes a street setback requirement that is the same distance of the existing building on the abutting allotment facing the front street, or 9 metres, whichever is the lesser. Though the RAC building is located centrally within the site, technically 87 Overport Road is the only existing dwelling on an abutting allotment which also fronts Overport Road and has a street setback greater than 9 metres, meaning 9 metres is the applicable street setback to the RAC building. Other setback requirements of Clause 53.17 for the RAC relate to external amenity impacts which are not relevant to the building, based on its central location within the site.
111. The decision guidelines of the General Residential Zone for a Section 2 use include considering the scale of the development as well as the design, height, setback and appearance of the proposed buildings and works. Relevant policy considerations for the proposed siting, scale and massing of the proposed buildings across the site, are the relevant strategies at Clause 15.01-1S (Urban Design), Clause 15.01-2S (Building Design) which are considered to be met. The strategies of Clause 15.01-5L (Frankston preferred neighbourhood) which are also a consideration of the DDO1 decision guidelines, have also been taken into consideration as much as possible given the Frankston South 8 (FS8) precinct guidelines relate to preferred low density built form outcomes. These strategies include:
- Promote good urban design along and abutting transport corridors.
 - Ensure development responds and contributes to the strategic and cultural context of its location.
 - Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
 - Encourage development to retain existing vegetation.
 - Utilising the existing contours of the site or stepping down the site (FS8).



- Strengthen the continuous flow of vegetation across the landscape (FS8).
 - Siting and designing buildings to incorporate space for the planting of substantial vegetation (FS8).
 - Preserve the rhythm of existing dwelling spacing by providing setbacks on all boundaries (FS8).
 - Ensure adequate spaces are provided for the retention and planting of vegetation by minimising building site coverage and areas covered by impervious surfaces (FS8).
 - Ensure new buildings do not dominate the streetscape and the wider landscape building by articulating the form and elevation of buildings (FS8).
112. The proposed siting, scale and massing of built form across the site appropriately responds to these policy considerations, balancing sensitivity to adjoining residential properties with achieving appropriate intensification of the existing use in response to local housing demands.
113. Setbacks have been provided from all boundaries, with the following boundary setbacks to residential interfaces achieved:
- A minimum 10.329 metres and 11 metres provided from the proposed single storey villas along the eastern boundary to Sweetwater Drive, which increases to a 13.38 – 18.7 metre setback between Building B2's (6-storey above NGL at north-eastern corner) eastern elevation and the rear boundary of Sweetwater Drive dwellings. A maintenance shed in the north-eastern corner of the site is setback less generously from Sweetwater Drive properties at 2.5 metres however, this is a low scale (5 metre max building height) outbuilding and is responsive to the rear setbacks of similarly scaled buildings along Sweetwater Drive. The building has no direct interfaces with 4 and 5 Sweetwater Drive which abut the shed's location and is obscured from view by established boundary planting on subject site (some of which is to be retained) and the neighbouring properties.
 - For the southern boundary, which interfaces the generously proportioned rear yards (30-50 metre rear setbacks) of dwellings which front Derinya Drive and the side boundary of 87 Overport Road, minimum setbacks of 21.51 metres to 25.7 metres for Building B2 (5 storeys above NGL), 17.1 metres to 34.2 metres for Building B1 (5 storeys above NGL) and 11.6 – 14.6 metres for Building C3 (5 storeys above NGL) are achieved.

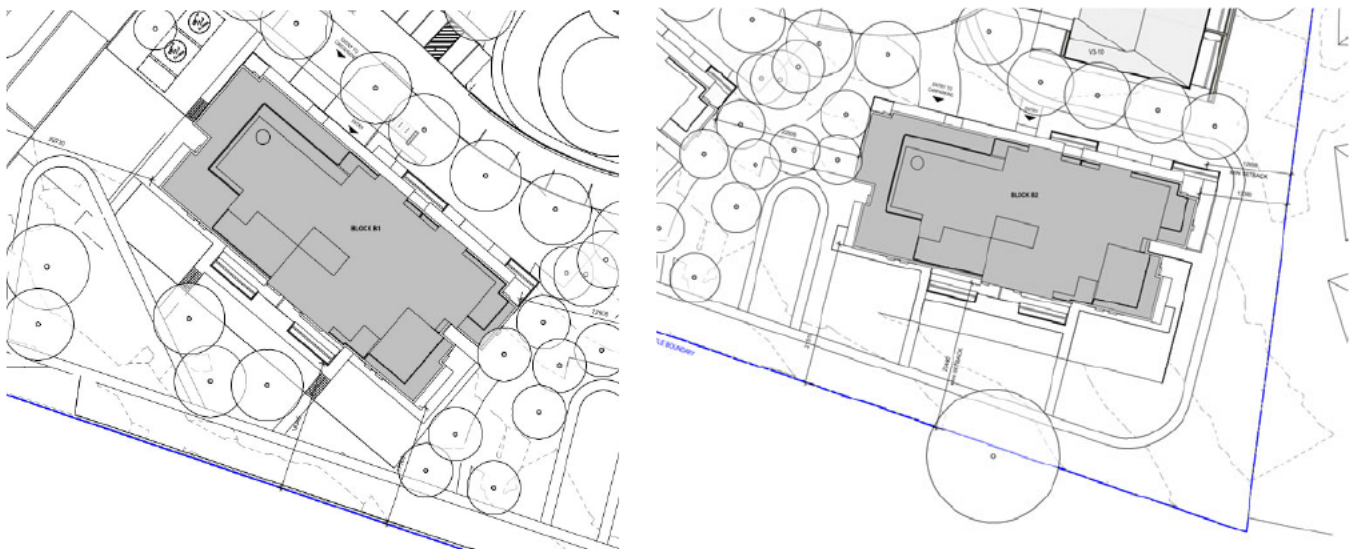


Figure 24 – Siting of buildings B1 (left) and B2 (right) in context with the eastern and southern boundaries (Source: Development Plan, prepared by Thomson Adsett)

- Buildings B1, B2 and C3 have all been generously setback from the southern and eastern boundaries which interface with residential properties, in line with typical rear setbacks of 'bush block' single occupancy dwellings in the residential surrounds. These setbacks create generous buffers to reduce visual bulk and the

appearance of high built form that is uncharacteristic of the area and provide ample space for landscaping and vegetation, including both retained and planted canopy trees. Conditions of the planning permit will require the additional retention of existing trees and planting of new trees along the eastern and southern boundaries to further contribute to strengthening the continuous flow of vegetation across the landscape within the site and when viewed from adjoining properties. The planting of canopy trees along these setbacks will, in addition to significant established vegetation along these setbacks on neighbouring properties, including the row of 19 x 18-metre-high Cyprus Pines along the rear boundary of Derinya Drive properties opposite Building B2, will also help screen and soften the appearance of built form.



Figure 25 – Proposed additional tree retention and planting along the southern/eastern interfaces, per discussion plans.

- These three buildings have also been well spaced apart with a minimum 22.5 metre separation achieved between Building B2 and B1 and 28.73 metres achieved between Building B1 and C3. This generous spacing is responsive to the pattern of spacing between buildings typical of the surrounds and ensures the building bulk is well broken up along the southern boundary, to provide both appropriate visual relief and opportunities for landscaping between built form.
 - In addition to setbacks achieved, it is noted that each building elevation of B1, B1 and C3 which interfaces a residential setback has also reduced the impression of visual bulk to adjoining properties through the use of varied setbacks across building profiles, increased setbacks of the sixth storey elements and siting buildings at an angle to side boundaries which create additional depth and soften the dominance of the building appearance. This articulation is complemented by the regular placement of windows, balconies and the varied application of materials and design details such as hit-and-miss protruding bricks.
 - Buildings A and D which also exceed the DDO1 heights are located more centrally within the site, with other development sited between them and the external boundaries. The other built form predominantly obscures these buildings from view from adjoining properties or the public realm, though some visibility of Building D (six storeys above NGL at maximum) is possible from the east, which is only sited behind single storey villas between it and eastern residential interfaces on Sweetwater Drive. While this building is six storeys in height, due to the fall of the land, it only presents as five storeys above NGL from the site's eastern boundary, with dwellings along Sweetwater Drive sited below this level due to significant cut within the rear yards of those properties. The discrepancy of levels, more closely sited built form (Villa 3 villas) combined with the building being sited approx. 50 – 56 metres from the eastern boundary which is also increased by a further 7.5 metres at the upper floor, means this built form will be minimally visible from Sweetwater Drive properties and would not create a significant disturbance to views across the site or create unreasonable visual bulk.
114. The site also has a 388 metre setback to Overport Road which transitions into a smaller frontage to Sweetwater Drive along the site's northern boundary, with a notable fall occurring from the south to the north along the Overport Road frontage into Sweetwater Drive. The following setbacks are achieved from these frontages:
- Buildings C1 and C3 at the southern end of the Overport Road frontage are setback a minimum of 20.83 metres and 23.53 metres, respectively from the street, which is responsive to setbacks of other properties along the eastern side of Overport Road south of the site which are generally setback at least 20 metres from



the street. The buildings are well articulated across their Overport Road facades by varied setbacks, recessed upper floors and the regular placement of fenestrations and material variation, while also providing a transition in height from 5 storeys/15.78 metres (C3) to 3-4 storeys/11.88 – 14.88 metres. This is consistent with the design guidelines of FS8 which encourage development which steps down the site, to respond to its topographical features.

- Moving north, the RAC building has a varied street setback ranging from 5.3 metres (southern wing) and 6.5 metres (northern wing) to 15.37 metres in the centre of the building, with portions of this building not complying with the 9 metre street setback requirement of Clause 53.17 (Residential Aged Care Facility). The variations to this requirement at the southern and northern ends of the building are considered acceptable as the buildings closest to the abutting dwelling (for which the street setback requirement is derived) at 87 Overport Road (Buildings C1 and C3) both have street setbacks well in excess of 9 metres. The siting of these buildings ensures a responsive transition in street setbacks from lower density built form, while appropriately allowing buildings proposed more centrally or in the north of the site's Overport Road frontage (and therefore, have less of a relationship with the Overport Road streetscape south of the site) to be setback closer to the frontage. Sufficient room is still retained for landscaping and retention of significant canopy trees within the frontage, noting that a significant portion of the RAC building's frontage is utilised for the building's porte cochere for waste and delivery drop-offs which limits the landscaping response in this frontage, rather than as a result of reduced street setbacks.



Figure 26 – Proposed setbacks of RAC building from Overport Road (top) and RAC building Overport Road elevation (bottom)(Source: Development Plans, prepared by Thomson Adsett)



- To the north of the RAC building, on the opposite side of the Sage Drive entrance to the site, the Block E double storey townhouses provide a street setback of 10 metres which continues to provide an appropriate transition in setbacks along the Overport Road streetscape and is reflective of the siting of existing similarly proportioned housing on site, while providing a transition into the further reduced setbacks of the ESA Apartments to the north. The ESA apartments (4 storeys) are a single building divided into 3 segments which hold the corner of the site's curved frontage along Overport Road, where it transitions at the roundabout into Sweetwater Drive. The segments are setback 9.785 metres, 7.512 metres and 8.295 metres from Overport Road and 11.6 metres from Sweetwater Drive, which are responsive to the pattern of setbacks established by the rest of the proposed Overport Road buildings, as well as the siting of existing buildings on site and dwellings on the opposite side of Overport Road and Sweetwater Drive.
- These lower setbacks leave less room for landscaping and canopy tree planting however the existing frontages and road reserves include relatively dense planting of established trees, though a number of these are proposed to be removed. Noting the ESA Apartment building's prominent location at the Overport Road/Sweetwater Drive intersection which sits higher above the road from the southern approach on Overport Road, conditions of the planning permit will require greater retention of existing established mature trees along the boundary interfaces and increasing the provision of canopy tree planting at the intersection interface, where retention of existing trees is less viable.

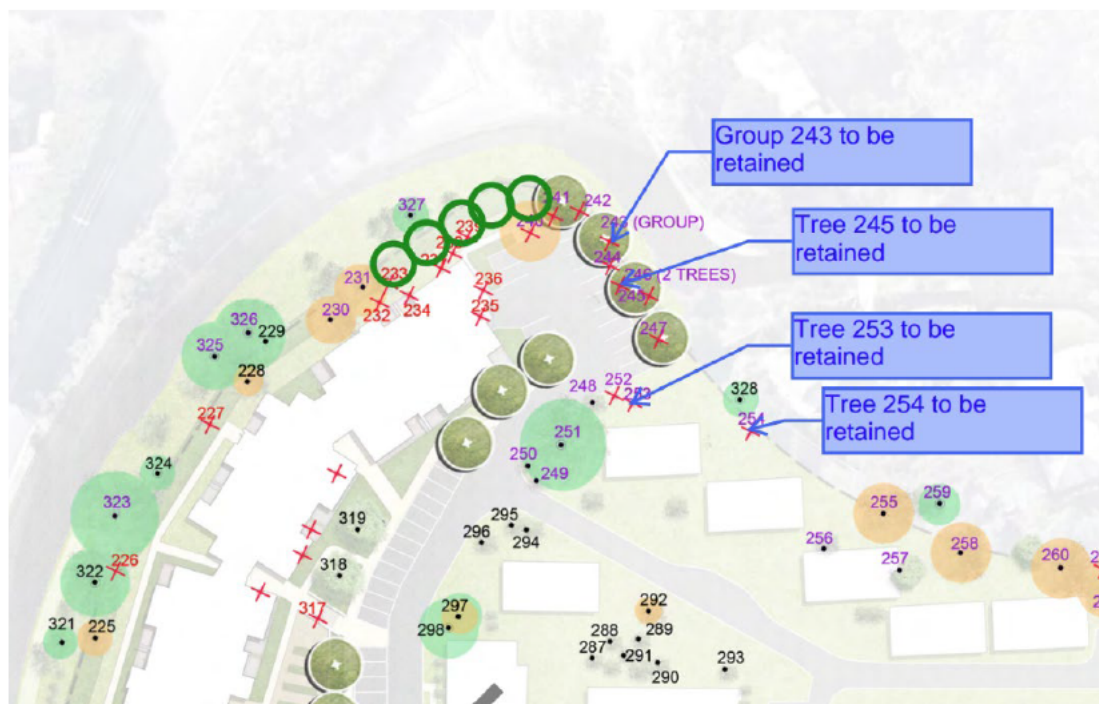


Figure 26 – Excerpt of discussions plans demonstrating additional tree retention and planting proposed along the Overport Road/Sweetwater Drive intersection interface.

- In addition to the setbacks of the Overport Road buildings being responsive to the surrounding streetscape and preferred landscape character of the area, massing of the buildings also assists in mitigating the appearance of higher built form to Overport Road and provide appropriate visual relief along street interface. The proposal provides progressive transitions in height between buildings and attempts to minimise the impacts of the site's topography providing separation of buildings or segmented forms. This is consistent with the design guidelines of FS8 which encourage stepping down the site to respond to its topographical features and ensuring new buildings do not dominate the streetscape and the wider landscape building by articulating the form and elevation of buildings.



Figure 27 – Overall Overport Road elevation showing the transition in height with the fall of the land(right to left) of Buildings C3, C1, RAC, Block E and ESA Apartments (Source: Architectural Report, prepared by Thomson Adsett)

- This not achieved as well by the RAC building which has a large building footprint and long 80 metre frontage to Overport Road however it is acknowledged due to the institutional nature and accessibility requirements of the building, it is more efficient to maximise the floor plate of each level and the use of split levels or similar techniques to stagger height is less appropriate. The building offsets this by cutting into the site to allow the topography of Overport Road to modulate the height of the building above NGL, an angled street setback that creates depth to the frontage and other articulation techniques such as the regular placement of a variety of fenestration types, design detailing and material application. All other buildings which front Overport Road are also generally well-articulated across their Overport Road facades by varied setbacks, recessed upper floors and the regular placement of fenestrations and material variation, subject to conditions discussed in further detail below.



Figure 28 – Artists impression of the RAC building's articulated front façade, as viewed from Overport Road looking north-east (Source: Architectural Report, prepared by Thomson Adsett)

115. In summary, the siting, scale and massing of the proposed development has been designed to ensure an appropriate response that will not unreasonably dominate or undermine the landscaped, low density character of the surrounding FS8 and DDO1 area. While the DDO1 height exceedances are considerable for some buildings and will present as an anomaly in the surrounds, this is reflective of the site's anomalous features and existing institutional use, compared to the surrounding low-density residential area.
116. The increased height in discrete areas of the site assists the development in responding to the overarching objectives of the DDO1 and neighbourhood character precinct while facilitating increased housing supply onsite. There is only modest increase to site coverage proposed, as sought by FS8 due to utilising higher density building forms with constrained footprints and provision for basement parking. As a result, the proposal is able to achieve a meaningful increase in housing supply on site, while maximising the retention of existing trees and planting of new trees to maintain a generous landscape setting, unlike other recent development outcomes in the surrounds (ie. the low site permeability childcare centre at 83 Overport Road) which otherwise comply with the DDO1's height restrictions. The landscaping response including tree retention facilitated by the proposal is discussed further below, as well as the off-site amenity impacts associated with the proposed development.

Design Detail

117. The preferred neighbourhood character statement for FS8 is the only local policy that specifies design responses for design detailing which is limited to the front boundary treatment of development. FS8 seeks to provide open front fencing or post and wire style fencing, other than along heavily trafficked roads, to maintain and enhance the continuous flow of vegetation across the landscape. The development proposes to utilise the existing 1.8 metre high open batten steel fence (or match this where fencing must be removed and replaced to enable development) which is a highly permeable fence style that allows clear views into the site's frontage and associated landscaping, as well as allow fencing to 'blend in' to landscaping abutting the fence. The exception to this is the frontage treatment adjacent to the Sage Drive entrance of the site (in the frontage of Block E townhouse) where the development's generator, main switchboard and substation are all proposed to be located. Due to the proximity of these services to habitable rooms on site, it is proposed to install a 2.4 metre high metal screen around this service area in part to attenuate noise, which includes an approx. 12.8 metre length of the frontage. While this proportionately a very minor section of the frontage which would not otherwise yield views into landscaping beyond if the fencing were permeable, conditions of the planning permit will require further details of this screening treatment and how it is integrated into the Overport Road fencing.

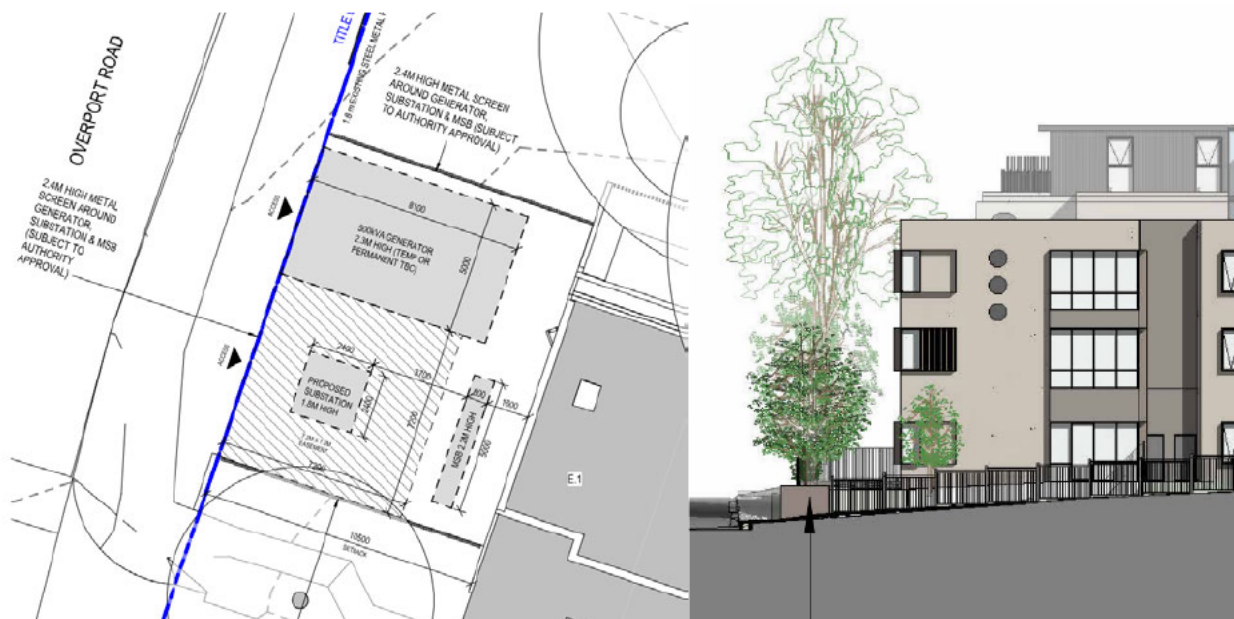


Figure 29 – Excerpt from Block E plans showing proposed building service area and screening extent in Overport Road frontage (left) and excerpt from Overport Road elevation demonstrating appearance of 1.8m high open fencing (Source: Development Plans, Thomson Adsett)



118. More generally, the development incorporates a well-considered design response across the site, as outlined in the accompanying architectural report, which draws on the existing low-density residential character and integrates the landscape setting into the architectural response. Villa units utilise modest, conventional dwelling forms typical of the surrounds, including pitched roofs and front porch areas, while multi-storey buildings, particularly the retirement living unit buildings are relatively simple in their architectural expression. These buildings create visual interest and provide articulation through fenestration, material variation and design detailing like window shrouds and hit-and-miss brick sections that are not overly ornate, responsive to the surrounding built form context. It is noted that the north-western wall of the ESA apartment building associated with the stairwell is not well articulated and presents as a sheer, almost four storey wall to this interface. This interface will be relatively prominent when viewed from the Overport Road/Sweetwater Drive intersection and northern approach to the site, therefore conditions of the planning permit will require this wall to be further articulated through design detailing, generally in accordance with the discussion plan submitted on 12 March 2026 as a condition of the planning permit.



Figure 30 – Excerpt from discussion plan demonstrating proposed façade articulation to ESA Apartments which is to be secured via conditions (left) and excerpt from ESA Apartments plan demonstrating the existing presentation of the sheer 4-storey wall.

119. The palette of materials utilised across the development is warm-toned, utilising reds, browns and creams while avoiding any excessive use of dark or reflective materials, while incorporating minor colour elements like greens and yellows which complement the landscape setting of the surrounds. External walls are largely brick finishes with use of some lightweight standing seam metal cladding and timber cladding incorporated generally on upper floor levels. A condition of the planning permit will require a Façade Strategy to be submitted for endorsement which further details materiality and façade systems and will ensure that all external finishes are accounted for in the material schedule and provide details regarding required maintenance of external walls to ensure they weather well over time.



Figure 31 – Artists impression of Block C (Building C1) Overport Road presentation (at Holland Drive intersection) and selection of Block C/Stage 1's material palette (Source: Architectural Report, prepared by Thomson Adsett)

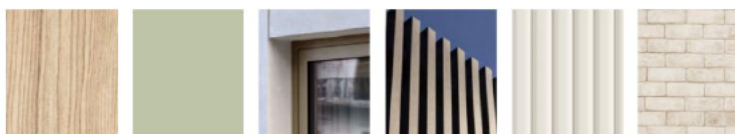


Figure 32 – Artists impression of Block E (ESA Townhouses) presentation to Sage Drive and selection of Block E's material palette (Source: Architectural Report, prepared by Thomson Adsett)



Figure 33 – Artists impression of building interface within Stage 4 and selection of Stage 4's material palette (Source: Architectural Report, prepared by Thomson Adsett)

120. Building and site services are generally unobtrusive across the site, being largely integrated into basement levels, though a number of services for the development are located externally (ie. substation, the water supply for fire fighting). While the location of some services which are required by service authorities to be accessible from the frontage are more obtrusive, conditions of the planning permit will require further information to be provided on plans for endorsement of how all building services are to be integrated into the development, to ensure that they are suitably designed and do not unreasonably detract from the appearance of the rest of the development. Similarly, all rooftop plant equipment (excluding solar panels) is proposed to be appropriately screened by unobtrusive metal slatted screening to a typical height of 1.5 metres above roof level. For buildings which are located closer to Overport Road and neighbouring properties, roof plant screening has been well setback from the edge of buildings where they are most visible to adjoining properties or the public realm, to ensure these features are not visible from these vantage points.

Public Realm, Landscaping and Vegetation

121. The proposal's public realm design response is attractive, functional and appropriately integrates the development into its vegetated surrounds.

Street activation

122. The proposal provides an appropriate level of activation at the ground level and treatment to public interfaces, in accordance with the relevant strategies of Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building design). Generally, these provisions seek to promote good urban design along transport corridors, ensure that the appearance of development and their interfaces with the public realm enhance the amenity of the public realm and perceptions of safety, support safe access to walking and cycling environments and ensure publicly accessible private spaces such as forecourts and building entries are of a high standard and enable safe and efficient use. Passive surveillance is encouraged to be facilitated where interfacing public open space and street frontages by incorporating active spaces (pedestrian entries, windows, balconies etc.), limiting blank walls and high front fencing.



123. The proposal positively responds to these considerations along its road frontages and also within 'public realm' areas internal to the site with ground floor units, building entries, lobby/reception areas and other activated spaces included in all buildings and oriented towards these areas, with all internal streets, paths and open spaces proposed across the site fronted by at least one building. The activation of ground floor uses is complemented by generous provision of clear glazing and multiple points of entry along ground floor building frontages, including lower-density building forms such as the villa units, which include habitable room windows fronting the street. Additionally, the orientation of private open space areas including ground level terraces and upper floor balconies provides broader passive surveillance coverage of the site.



Figure 34 – Artists impression of typical villa unit façade with habitable room windows fronting the street and artists impression of C Block building interfaces to public realm areas which enables passive surveillance (Source: Architectural Report, prepared by Thomson Adsett)

124. Vehicle access to the wider site has been consolidated to the existing Sage Drive and Holland Drive internal roads, while the vehicle entries to each building basement are generally located away from main public realm interfaces of their respective buildings and sited closely with the vehicle access of other buildings. While car parking is present in the frontage of the proposed villa units, the garages are setback behind the front wall of their respective villa and are not the dominant component of the dwelling façade.
125. Pedestrian paths and access through the site, around parking and vehicle access and to building entries is well separated from vehicle access and internal roads, with pedestrian footpaths generally provided on both sides of the street, except along the eastern side of the new road in front of Building B2 and the villa units. Sufficient pedestrian path links are still provided to each building entry, accessible from the footpath on the opposite side of the road. Direct pedestrian entry links to the RAC building and buildings C1 and C3 from Overport Road are also provided though due to the fall of the land, this requires stairs to be achieved for the southern-most pedestrian link to Buildings C1 and 3. This is acceptable as, another accessible pedestrian entry adjacent to Holland Drive is provided which provides seamless connection to the C Block forecourt behind Building C1, where the building's main pedestrian entry is located. The use of stairs for a second connection to Overport Road also avoids the requirement of excessive ramping or other access means which would reduce the area within the frontage available for tree planting and landscaping.
126. The pedestrian and streetscape experience across the site will be enhanced by a comprehensive landscaping scheme which includes retention of trees and new tree planting along internal street frontages and along paths which provide connectivity across the site, providing shade and enhancing the amenity and a vegetated character of the site. Additional opportunities for the planting of trees along streetscapes has been recognised and a condition of the planning permit will require this to be implemented in the landscape plans for endorsement.

Landscaping and Vegetation

127. The site is subject to several controls which encourage retention of existing 'substantial', significant and/or canopy trees across the site which is reinforced by the preferred neighbourhood character FS8 and Clause 12.06-1L (Frankston Urban Forest) and Clause 52.37 (Canopy Trees) which seeks to ensure that development enables retention of existing vegetation. Additionally, these policies along with the design objectives of the DDO1 also state that development should be designed (through setbacks, site coverage etc.) to enable tree planting which enhances tree canopy coverage and ensure there is no net loss in canopy tree cover and maintain the low density, treed character of Frankston South.
128. Having regard to these controls and the arborist report submitted with the proposal, 328 existing trees/tree groups are identified on site or in close proximity to shared boundaries, a total of 177 trees (all on site) cannot protected as a result of the proposed development and of these trees only 6 are identified as being of high retention value (Trees 50, 51, 70, 88, 214 and 285) while 54 trees/tree groups to be removed are identified as being of moderate retention value, while the remaining 114 trees (more than half) are of low or no retention value. While it is considered that the development has generally sought to avoid the removal of existing trees which present moderate-high retention value with 85% of existing high retention value trees and 41% of moderate retention value trees retained, it is acknowledged that in some instances tree removal does not appear to be strictly necessary in order to still enable the proposed development. As a result, conditions of the planning permit will require the additional retention of trees identified in the discussion plans submitted on 12 March 2025, being trees 38, 42, 43, 243 (group), 245, 253, 254, 263, 266 and 278. While these trees do not pose a high retention value, they are predominantly native or indigenous species and located along site boundaries, enhancing the treed landscape character of the site when viewed from surrounding land and will contribute to the screening of proposed development on site.



Figure 35 – Excerpt from discussion plan showing additional tree retention proposed across the site.

129. Additionally, regarding the 12 Monterey Cyprus trees located along the street frontage of the site, which are the only trees protected by the ESO4, only 5 are recommended for removal in order to accommodate the porte cochere in the frontage of the RAC building. The removal of these trees is generally considered acceptable, given the location of the porte cochere in the frontage (which is an operational requirement for the RAC building), is somewhat unavoidable and because the trees with the highest retention value in this cluster (Trees 16, 18, 22, 23, 25, 27 and 30) are all proposed to be retained and protected. The aesthetic significance of this row of trees to Overport Road will continue to be largely retained as a result of the proposal and not unreasonably degraded by the partial removal of these trees.
130. In addition to the trees sought to be removed, the proposal will result in 35 trees incurring a major or moderate encroachment of their notional root zone (NRZ), with 26 of these tree/groups being of moderate-high retention value. These 26 trees are recommended to be retained and protected through design and construction methods or due to existing conditions impacting the tree, are unlikely to be impacted by the encroachments. These trees (including impacted trees on neighbouring properties) will be required to be protected and further measures



detailed in a Tree Protection Plan, required by conditions of the planning permit to outline how impacts to the health and long term viability of any trees with NRZ encroachments will be avoided such as through construction techniques or design modifications to built form which pose these encroachments.

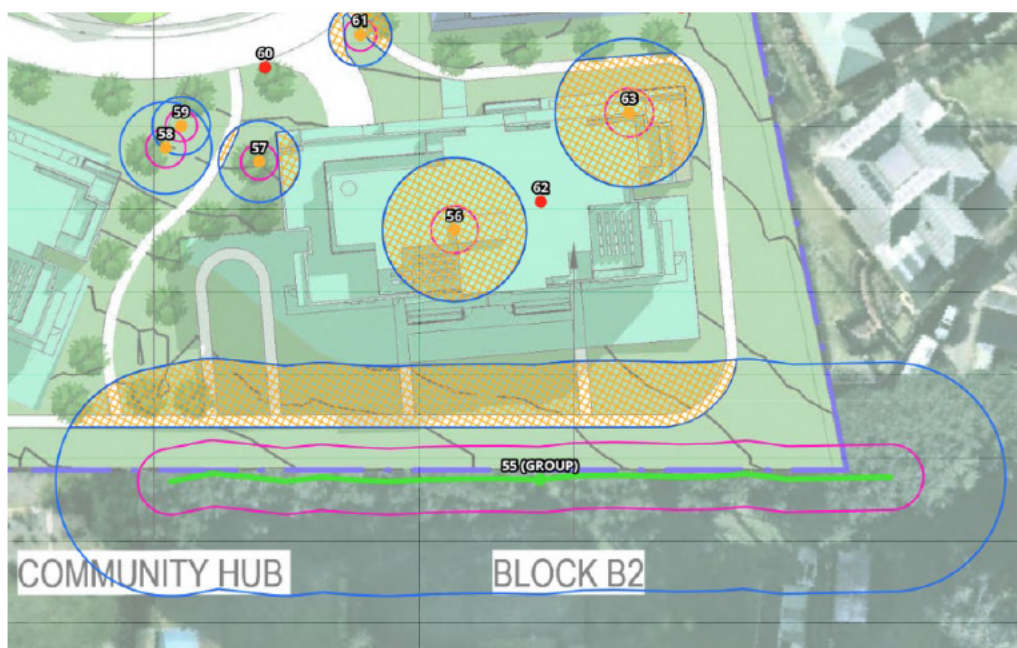


Figure 36 – Excerpt from development impact plans showing extent of encroachment to neighbouring Derinya Drive pine trees (primarily posed by minor works such as pedestrian paths), which the Tree Protection Plan will be required to address design and construction measures for their protection (Source: Arborist Report, prepared by Arbor Survey)

131. The proposed removal of existing vegetation, including vegetation of moderate-high retention value is also considered acceptable as a significant program of tree planting is proposed to ensure that the existing landscape character of the site (ie. scattered trees and tree clusters and boundary tree planting) is both retained and enhanced. A canopy coverage of 24% will be achieved across the site through the planting of 175 new trees which result in a net increase in canopy cover of approximately 1,524 m², in line with the strategies of Clause 12.06-1L (Frankston Urban Forest) and Clause 52.37 (Canopy Trees).
132. The planting of trees across the site is generally responsive to the landscape setting of the surrounding area that is sought to be retained and enhanced, primarily located in the spacing between buildings, along internal roads and in clusters within open space areas. There are some areas of the site which lack sufficient canopy cover, particularly where existing vegetation is also proposed to be removed (ie. along boundaries) which conditions of the planning permit will seek to address by requiring additional tree planting in accordance with the indicative location in the discussion plan submitted 12 March 2025, as well as within the frontage/adjacent streetscape of the Villa 3 villa units, to ensure sufficient canopy cover across the site, including in vantage points from long range views from Overport Road.
133. In addition to tree planting proposed across the site, the landscape masterplan submitted with the proposal indicates a comprehensive landscaping scheme which reinforces a green, campus-style landscaping setting across the site. A variety of shrubs, ground covers and vertical planting devices integrated into external walls and balconies are proposed across the site which complement the use and programming of public realm and open space areas, making these spaces attractive and enjoyable for future residents to experience. Conditions of the planning permit will require a more detailed landscape plan to be submitted for each stage of the proposal which provides further details on selected plant species (which is to include native species) as well as planting structures and other landscaping features like paving.

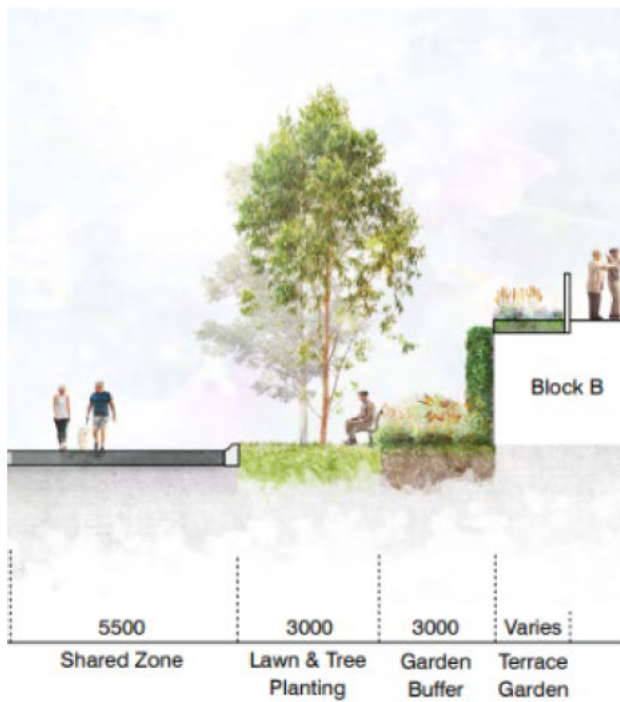


Figure 37 – Excerpts from Landscape Masterplan and Development Plans showing indicative landscaping for Village Green main open space (top) and typical cross section (bottom left) and typical Stage 4 building elevation (bottom right) which demonstrate how landscaping is integrated into building facades.

Environmental Risks

Bushfire Planning

134. Fire Rescue Victoria was referred that application pursuant to s55 of the Act and responded with no objection to the application, subject to the inclusion of the mandatory conditions of the scheme and a condition requiring a minor update to the Bushfire Management Plan prepared by Terramatrix dated 29 September 2025, to update reference to the correct fire authority (FRV rather than CFA) for the area.
135. The proposal and supporting reports generally demonstrate that the development has the capacity to meet defendable space for the required BAL construction standard for each building within the BMO, as well as the Clause 53.02-4 requirements related to onsite water storage, vehicle access (including access for emergency vehicles) and vegetation, as detailed in the Bushfire Management Plan which forms part of the assessment and must be endorsed and implemented as a condition of the planning permit.
136. A condition of the planning permit will also require the detailed landscape plans to include details (ie. separation between canopy trees) to confirm that that Vegetation Management Requirements of Table 6 of Clause 53.02-4 will be met.
137. The site's capacity to offset the relatively low bushfire risk present to the site and the site's proximity to urban land that is not within a BMO or designated bushfire prone area mean that strategies of Clause 13.02-1S (Bushfire planning) which seek to prioritise the protection of human life and direct population growth to low risk locations with safe access to areas when human life can be protected from the effects of bushfire are met by the proposal.

Amenity Impacts

On-site Amenity

138. The retirement village units are not subject to any residential design standards regarding internal amenity however, generally the various housing units across the development present a high degree of compliance with the minimum onsite and internal amenity standards of Clause 55 (for villas and townhouses) and Clause 57 or 58 (for 4 storey and 6 storey apartment buildings) for matters such as communal open space, noise impacts, accessibility, private open space, storage, functional layout, room depth, windows and natural ventilation.



Figure 38 – Excerpt from ESA Apartment development plan demonstrating compliant living and bedroom areas required by Clause 58 Function Layout standard (right) and area within ESA Townhouses living which meets minimum area and dimension for Function Layout standard (left)

139. Solar access and reducing direct views between habitable rooms of different buildings is also facilitated by generous spacing between all buildings, siting buildings at opposing angle to one another and reducing heights of buildings closely sited to the north of other buildings (ie. Buildings C1 and C2 reduce in height where north of Building C3). As result, all relevant living rooms and bedrooms achieve the BESS daylight criteria for solar access.

Overshadowing

140. The proposed building heights and setbacks have been appropriately designed to minimise overshadowing to the secluded private open spaces of adjoining properties, with additional overshadowing only occurring at 9am (to 87 Overport Road) and 3pm (14 Sweetwater Drive) when measured on 22 September. Though there are no applicable residential standards for assessing overshadowing (other than the RAC building which, does not have any abutments to adjoining SPOS areas), the overshadowing requirements of Clause 55.04-3 (Overshadowing secluded open space) have been adopted for determining a satisfactory outcome.
141. At 9am, additional overshadowing only extends a maximum of approx. 4.2 metres into the side of 87 Overport Road's secluded private open space, with much of this area already impacted by existing fence shadows at this time. A large area well in excess of 25 square metres with a minimum dimensions of 3 metres is retained free of shadow at this time and throughout all other hours of the day between 9am and 3pm in accordance with the standard. Similarly at 3pm an additional 69m² of overshadowing is proposed to the SPOS of 14 Sweetwater Drive, with at least 300m² that is at least 3 metres wide being retained free of shadow, with similar or greater solar access achieved at all other hours of the day between 9am and 3pm. The additional overshadowing will therefore not unreasonably impact the amenity of any adjoining secluded private open space.



Figure 39 – Excerpt from overshadowing diagrams showing the extent of shadows cast on adjoining properties at 9am (left) and 3pm (right)
(Source: Masterplan prepared by Thomson Adsett)

142. Additionally, per the decision guidelines of the General Residential Zone, it is not anticipated that any rooftop solar energy facilities on adjoining properties will be unreasonably impacted by the proposal. The majority of the rooftop solar panels on adjoining properties are located on dwellings which abut the lower scale portion of the development along the eastern boundary. The solar panels at 14 Sweetwater Drive are in reasonable proximity to taller built form (Building B2) however no overshadowing of the rooftop solar panels occurs when measured on 22 September.



Overlooking

143. Due to the generous setbacks of all buildings from adjoining abutments to secluded private open space and the generous rear setbacks of adjoining dwellings (and their habitable room windows as a result), no direct downward views into SPOS areas/adjoining habitable room windows occurs within 9 metres of any new balcony or habitable room window, in accordance with Standard 55.04-4 (Overlooking) which is a 'deemed to comply' standard. As a result, no overlooking measures or treatments such as obscure glazing or fixed screens are required to any building, in order to provide the level of overlooking protection typically afforded to residential development.

Noise

144. Clause 13.05-1S (Noise management) requires protecting both existing residents of surrounding properties and residents of the proposed development from inappropriate noise emissions associated with both use activities and noise sources such as mechanical plants within the building. Clause 53.17 also requires that noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. The development has been designed to concentrate noise sources of the buildings (i.e. plant equipment) within the basement and roof top or away from adjoining residential properties (ie. substation located toward Overport Road). Noise generating operational activities such as waste collection and loading are also facilitated generally within basements or in the Overport Road frontage of the RAC building, and the timing of these activities limited per EPA requirements, as outlined in the submitted Waste Management Plan.
145. An acoustic report will be required to be submitted for each stage of the development to address any specific design or operational measures required to ensure compliance with the relevant noise requirements in accordance with the Environment Protection Regulations 2021 and relevant noise protocols can be met both with respect to nearby sensitive receptors and proposed new habitable rooms on site. This may also include recommended restrictions on operation hours or certain activities (ie. playing music) that may be allowed in association with ancillary retail and community facilities on site.
146. Subject to compliance with the recommendations of any endorsed acoustic report, it is not considered that the proposed retirement village use and its associated communal areas will generate unreasonable noise emissions beyond a typical residential building, with all such ancillary uses being small scale (in proportion to the site) and compatible with residential settings (ie. café), located either internally to the site or fronting the less sensitive centre of Overport Road and intended to largely serve residents and their visitors.

Sustainability

Environmentally Sustainable Design (ESD)

147. Clause 15.01-2L-01 (Environmentally Sustainable Development) seeks to achieve best practice in environmentally sustainable development to facilitate development that minimises environmental impacts. This is to be demonstrated by the submission of a Sustainability Management Plan which includes an assessment using BESS/Green Star, STORM/MUSIC and a Green Travel Plan.
148. A sustainability management plan prepared by ADP for each stage of the development was submitted with the application which along with the relevant appendixes which include a BESS report, STORM assessment report, preliminary NatHERS assessment and Daylight Assessment, outlines a generally appropriate response to these strategies, achieving a compliant BESS score that outlines a range of ESD initiatives including:
- Separate metering of individual units and non-residential tenancies.
 - All electric buildings (no connection to reticulated gas).
 - Preliminary NatHERS rating to achieve an average 7-star minimum rating.
 - Water efficient fittings, fixtures and appliances.
 - Rainwater tanks for rainwater reuse onsite.
 - High-performance fabric and glazing and energy efficient heating and cooling systems.



- Rooftop solar photo-voltaic systems on all apartment buildings and RAC building.
- Provision for electric vehicle infrastructure.

149. Given the preliminary nature of the building design and specifications, more detailed SMP's for each date, inclusive of all required performance specifications and details to achieve compliance with the submitted BESS and STORM reports will be required to be submitted for endorsement, concurrent with development plans for endorsement at each stage. It is also noted that a Green Travel Plan was not submitted with the proposal, as is required as part of an SMP by Clause 15.01-2L-01. A condition of the planning permit will also require a Green Travel Plan to be submitted prior to the occupation of the first stage of the development.

Water Sensitive Urban Design (WSUD) & Stormwater Management

150. Clause 15.01-2L (Environmentally Sustainable Development), Clause 19.03-3L (Integrated water management) and Clause 53.18 (Stormwater management in urban development) seek to ensure new developments achieve best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).
151. The SMP and STORM reports submitted for each stage of the development outline a range of WSUD treatment measures on site including diversion of roof areas into rainwater tanks for reuse onsite as well as the diversion of run off from roads and car parking areas into raingardens. These measures will ensure that the impacts of stormwater generated by the proposal on the surrounding stormwater system will be reduced both by diverting run off for reuse on site and/or mitigating the discharge of and improving the treatment of stormwater, before it is discharged from the site.
152. Similar to the other ESD measures required by the SMP all water sustainable urban design treatments and detailed drainage design for the proposed stormwater system will be required to be detailed in amended SMP's and development plans for each stage of the development, as well as the preparation of a Stormwater Management Plan which incorporates civil drainage requirements, as deemed appropriate by the council and any other agency whose drainage assets the site is required to discharge into.
153. A construction management plan will also to be required by condition on the planning permit which will require details including but not limited to the management of stormwater runoff on waterways during construction to be addressed.

Car and Bicycle Parking, Loading, and Other Services

Car Parking Provision

154. The following car parking rates are relevant to the application, per the current form of Table 1 of Clause 52.06-5:

Use	Number	Rate	Amount Required	Amount Provided
Retirement living unit	393 new units	1.2 spaces per dwelling	471 spaces	538 (452 dedicated resident spaces and 86 visitor spaces)
Residential aged care facility beds	80	0.3 spaces to each bedroom	24 spaces	24 spaces
Visitors	Unspecified	None applicable	N/A	9 spaces
Staff (excluding RAC staff)	Unspecified	None applicable	N/A	3 spaces
Total			495 spaces	565 spaces

155. The statutory car parking requirements for the proposal have been met. As the site no longer has a separate visitor parking requirement for a retirement village (as a result of amendment VC277), the visitor spaces provided across



the site generally in conjunction with the retirement village use, have been included in the overall car parking provision for retirement living units. While it is noted that the individual dedicated resident spaces alone do not meet the statutory requirement, the prescribed rate of 1.2 spaces per dwelling implies that it is not intended for every dwelling to have a dedicated car parking space, nor for every car parking space that is provided for the use should only service resident parking.

156. Notwithstanding this, the resident parking provided allows for one car parking space to be provided for each new unit (393 spaces), with additional capacity for 59 resident spaces to be allocated to larger 2 or 3-bedroom units, as appropriate, which is generally provided in all buildings containing 3-bedroom units except Buildings B1 and B2 which provide only 1 space per 3-bedroom dwelling. The car parking provision is considered acceptable in this context, with the submitted Traffic Impact Assessment noting that empirical evidence and car ownership ABS census data for retirement village suggests that car ownership is considerably lower than standard dwellings, with even three-bedroom retirement village dwellings having an average car ownership rate of 1.19 vehicles per three-bedroom unit, meaning a small portion of larger dwellings having only 1 car parking space is consistent with anticipated car ownership rates for this type of housing.
157. Due to the insular nature of the site's vehicle access and pedestrian access points to the site, along with sufficient provision of vehicle parking dispersed across the site, it is considered unlikely that the development's parking demands will need to be supplemented by on-street parking of public roads in the surrounds, which can always be further regulated by on-street parking restrictions by the council if necessary.

Layout, Access & Traffic

158. The proposed car parking provision, access and layout and the anticipated impacts on the surrounding street network align with the strategies of Clause 18.01-3S (Sustainable and safe transport) and Clause 18.02-4S (Roads) as well as the decision guidelines of Clause 32.08-14 (General Residential Zone) and Clause 52.06-10 (Car Parking).
159. Vehicle access to the site continues to be provided by two internal private roads (Sage Drive and Holland Drive) which both allow for two way passing throughout the site and at the intersections with Overport Road. Two new vehicle crossovers are proposed to Overport Road to provide a porte-cochere style vehicle access to facilitate loading and deliveries for the RAC building, with the northern-most crossover located approximately 18 metres south of the Sage Drive intersection. A second porte-cochere for resident drop-off/pick-up and emergency vehicle access is provided to the rear of the RAC building, accessed from Sage Drive, with the separation of the two short-term vehicle access considered beneficial to the safe and efficient operation of the site.
160. The location of these new vehicle access points within a Transport Zone 3 road (significant municipal road) are in an appropriate location and at a significant distance from the bus stop south of the Holland Drive intersection, where greater pedestrian activity is anticipated to occur. The council, who is the responsible road authority for Overport Road did not raise any objections to the design or location of new vehicle crossovers or continued utilisation of the Sage Drive and Holland Drive intersection at increased intensity from a traffic safety perspective though conditions of the planning permit will require that any modifications to the existing road reserve be subject to the council's further approval.



Figure 40 – Excerpt from RAC and ALA building development plans showing proposed new crossovers to Overport Road (left) and proposed RAC/ALA porte cochere for resident on-site pick-up/drop-off and emergency access.

161. In addition to the modifications to access to Overport Road, the broader traffic demand and safety impacts to Overport Road and the surrounding local street network are not considered to be unreasonably impacted by the proposal. As further addressed in the applicant's traffic engineering response to objections (dated 12 March 2026), a retirement village does not typically generate peak traffic that coincides with commuter or school peak periods, due to the demographics of the residents, with peak movements typically occurring during the late morning and early afternoon period, in addition to peak traffic generation rates for retirement dwellings being substantially lower than that of a conventional residential development. SIDRA modelling undertaken for the Holland Drive and Sage drive intersections indicates that during the PM peak, the worst-case scenario for vehicles queuing to turn into Holland Drive and Sage Drive is not expected to exceed one vehicle.
162. Additionally, Overport Road is classified as a Major Road within Frankston City Council's Road Register, being the highest functional class and therefore intended to carry higher traffic volumes with industry guidance suggesting a theoretical upper capacity of approximately 18,000 vehicles a day. Based on observed peak period volumes, it is estimated existing daily volumes on Overport Road is in the order of 10,000 vehicle per day, with the proposed development expected to generate only 890 vehicle trips per day, with the development and associated increased vehicle movements to occur in a staged capacity over the span of several years. Due to the remaining local street network off Overport Road providing minimal connectivity to services and amenities and surrounds, it is anticipated that Overport Road will facilitate that majority of vehicle movements through the local area, avoiding impacts on more sensitive local residential streets. The proposal was also referred to the Head, Transport for Victoria with regards to the integration of the development with the surrounding transport network. Similar to the council, H,TV did not raise any concern with the proposed vehicle access to Overport Road or increased traffic demand as result of the development on the surrounding road network, including the bus network which operates on Overport Road



(subject to conditions to ensure the operation of the bus stop adjacent to the site's frontage is not impacted by the proposal).

163. On-site parking is provided predominantly in basement levels for the multi-storey buildings and in attached garages and/or tandem driveway spaces for lower density villa units and townhouses. The on-site car parking and access generally complies with the relevant design standards of Clause 52.06-9 (Design standards for car parking). However, conditions of the planning permit will require the submission of detailed development plans and a car parking management plan to be submitted for endorsement for each stage ensuring matters like basement ramp grades and head height clearances, car parking allocation, signage, line marking and managing access to the basements are further detailed. The provision of this further detail will ensure provide convenient onsite parking is provided that can operate efficiently, with minimal impact to the internal road network or safety of pedestrians on site.

Bicycle Facilities

164. There is no requirement for bicycle parking specified in Clause 52.34-1 of the Scheme. Despite this, the proposal includes 74 bicycle parking spaces across the site provided through both 60 bicycle parking spaces provided at grade across the site in convenient locations to the main buildings, as well as secure undercover bicycle parking within the basement of car park of Block C and the RAC/Assisted Living Unit building's basement. Provision for electric bicycle charging is also provided in high traffic areas of the site (café and community hub).
165. This level of bicycle parking provision is appropriate to provide some options for staff, visitors and residents to utilise cycling as mode of transport, in accordance with the strategies of Clause 18.01-3S (Sustainable and safe transport) and other policy which seeks to promote sustainable modes of transport over private vehicle use, but is still proportionate to anticipated demand for bicycle parking based on the physical ability of future residents who may be less likely to cycle as a mode of transportation and the site's lack of proximity to services easily accessed by formal bicycle network infrastructure.

Loading / Unloading

166. Clause 65.01 requires the consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety implications.
167. The proposal is anticipated to have low loading/unloading demands based on the activities proposed onsite, with the greatest delivery demands anticipated for the RAC building and commercial tenancies in Block C and largely to be serviced in smaller vehicles like delivery vans. A dedicated loading/delivery and waste collection facility is provided for the RAC building in the Overport Road frontage, which allows for efficient access for delivery vehicles to enter and exit the site in a forward direction, without entering the internal road network of the site.
168. Capacity for the (low) loading demands of the retirement village units (ie. for takeaway food delivery, moving vans) can be facilitated by on-street parking or within basement areas, without disturbing the movement of vehicles through the site or within car parking areas. All dedicated loading areas on site will be required to be noted as a condition of the Traffic and Parking Management Plan to be submitted for endorsement for each stage of the development.

Waste

169. A waste management plan has been provided which outlines the proposed waste storage and collection facilities and methods for the various buildings and housing types of the development which align with the strategies at Clause 19.03-5S (Waste and resource recovery) for supporting proper management of different waste streams. Waste collection will be serviced partly by the council (for existing villas in the north of the site) while private waste collection will service the remainder of the development.
170. Sufficient space is provided for each low-density unit to conveniently store bins for all waste streams in a discreet manner and be collected at the kerb, while waste storage rooms of sufficient size to accommodate the number of bins required for anticipated waste generation of each waste stream are provided for each multi-storey building (excluding the RAC) are provided within the basement.



171. Collection is also proposed to be serviced by private waste collection trucks within the basement levels except for Building A and the ESA Apartment building where the waste vehicle is proposed to prop on or at the entrance of the basement ramp. This arrangement is not considered practical and may impede on safe vehicle access and egress to basement levels and therefore, conditions of the planning permit will require an amended waste management plan to be submitted for endorsement which provides an alternative arrangement for waste collection for these buildings.

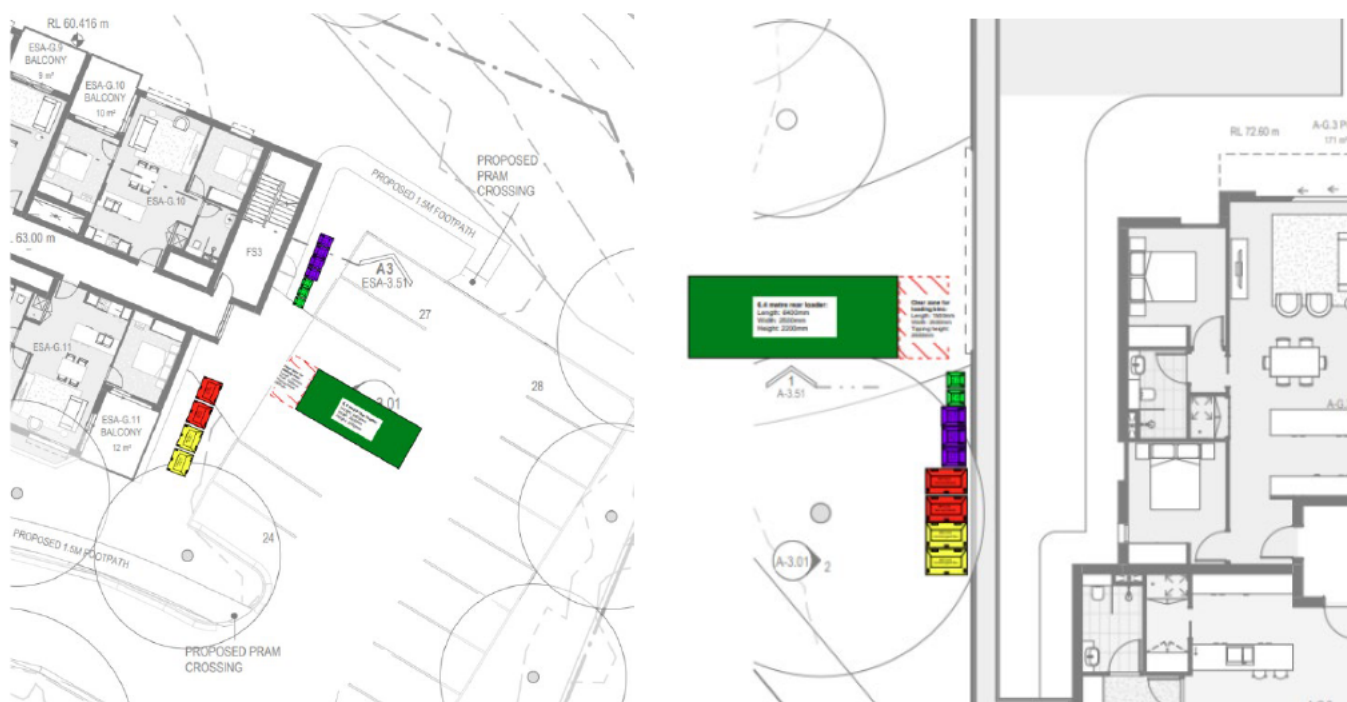


Figure 41 – Excerpts from waste storage and collection diagrams demonstrating inappropriate proposed propping locations which block basement access for ESA Apartments and Building A's waste collection (Source: Waste Management Plan, prepared by Ratio).

172. The amended WMP will also be required to address the waste storage and collection requirements for the community hub and any waste bins provided in communal outdoor areas of the site, as these have not been accounted for in the submitted WMP.

Public Benefits

Affordable Housing

173. The application is made under Clause 53.23 (Significant Residential Development with Affordable Housing) which amongst other matters, seeks to facilitate residential development that includes affordable to meet existing and future needs. As discussed in previous sections of this report, relevant policy, included the recently adopted Frankston Affordable Housing Strategy 2025 all identify need for more affordable housing, including housing for the elderly and other vulnerable cohorts.
174. The application is supported by an Affordable Housing Report, prepared by Vasey RSL Care, which is an application requirement of Clause 53.23 and to qualify for Clause 53.23, a 10% affordable housing contribution within the proposal, or an alternative contribution as appropriate must be provided. Vasey RSL Care proposes to provide 105 retirement living units (25% of the proposed retirement living units) as affordable housing which it ends to lease to eligible households, with veterans intended to be the priority cohort and to be offered a substantially discounted rent of approx. 55% of the market rate.

175. As identified in previous sections of this report, the increased provision of affordable housing on site, including for vulnerable cohorts with an established need for affordable housing in Frankston presents a net community benefit that allows for appropriate intensification of built form to be considered, while fulfilling the purpose of Clause 53.23.
176. A condition of the planning permit will require an amended affordable housing report to be submitted for endorsement before the first stage of the development starts, which further details how the affordable housing contribution is to be provided and managed including any registered housing agency, reporting requirements, length of the affordable housing contribution etc. These details regarding the affordable housing contribution will also be secured by a section 173 agreement, as required by permit conditions.

Other Matters

Cultural Heritage

177. Part of the site is located within an area of Cultural heritage, due to its proximity to the Sweetwater Creek waterway. An advice letter, prepared by Ecology & Heritage Partners and dated 15 May 2024 has undertaken a desktop assessment of the site with regard to the relevant legislation of the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018 to determine whether a Cultural Heritage Management Plan (CHMP) was required for the proposed development.



Figure 42 – Excerpt of Areas of Cultural Heritage Sensitivity extent in relation to the site (Source: Town Planning Report, prepared by Ratio)

178. The proposal was found to not be a high impact activity (as it is consistent with the existing use of the land immediately before 28 May 2007). Historical aerial imagery and other development information confirms that much of the site would have been subject to ground disturbance associated with the existing use and development of the land.
179. It was therefore determined that a CHMP is not required.



Existing Use Rights

180. A retirement village is a Section 2 Use within the General Residential Use. Further, the site is currently used and has been historically used as a retirement village for at least 15 continuous years. It has been considered to benefit from existing use rights and not require a planning permit for a 'change of use'.
181. The existing use of the land as a retirement village is established through both historical imagery dating back to 1975 which shows the initial development of the existing retirement village which has remained largely unchanged since 2006 and a notice under the Retirement Villages Act 1986 first recorded on the title of the land in 1992. Additionally, historic title searches show that the site has been under the ownership of Vasey RSL Care since 2008. Consistent with Clause 63.11 (Proof of continuous use) an existing use right can be established for an application proceeding under the planning scheme as result of this clause, if the use has been carried continuously for a period of 15 years at an time before the date of the application. This includes if the use did not comply with the scheme immediately before or during the 15 year period. The continuous use of the site for a retirement village is not in dispute and is considered established under Clause 63.11 of the Scheme.



Figure 43 – Excerpts from historical aerial imagery showing initial development of the site in 1975 (left) and extent of retirement village/RAC development in 2006 (right) (Source: Letter of Advice on CHMP Matter, prepared by Ecology and Heritage Partners)

182. Clause 63.05 (Sections 2 and 3 Uses) also provides for the continuation of a section 2 use for which an existing use right is established, provided that:
- No building or works are constructed or carried out without a permit and a permit must not be granted unless the building or works complies with any other building or works requirement in the scheme.
 - Any condition or restriction to which the use was subject continues to be met. This includes an implied restriction on the extent of land subject to the existing use right or the extent of activities within the use.
 - The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use rights.
183. Clause 63.12 (Decision Guidelines) also requires that before deciding on an application under Clause 63.05 of the scheme, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be achieved with all scheme requirements that can be reasonably met.



184. Regarding the above requirements, the following observations are made:

- As detailed throughout this report, a planning permit has been required to construct a building or construct or carry out works associated with the retirement village use and has been assessed against all relevant buildings and works requirements contained within the scheme. A Section 2 Use requiring a planning permit for buildings and works under the GRZ means that in accordance with Clause 63.12, the application under Clause 63.05 has been assessed against all scheme requirements for built form that would ordinarily be applicable to a change of use and development application for a retirement village. As discussed throughout this report, an appropriate level of compliance is met with regards to the requirements of the scheme.
- The proposed intensification of the use of the land for a retirement village does not exceed any condition or restriction to which the use continues to be subject to, noting that there is no planning permit governing the existing retirement village use or any specific conditions for a retirement village use in the table of uses of the General Residential Zone. Regarding any implied restriction on the extent of land subject to the existing use right, it is commonly established in relevant case law that where an existing use right is established on site, it is not required to be limited to the extent of the building or area of the site directly used in conjunction with the existing use and that generally the existing use right can be extrapolated to the full extent of the site. Therefore, the expanded area of the site (or use of different areas of the site currently used instead for a residential aged care facility) associated with the proposed retirement village development does not exceed any implied restriction on the extent of land subject to the existing use right.
- The proposal continues to include only activities within the use that are typical of a retirement village use, with ancillary uses like the community centre already similar to existing amenities on site, while ancillary cafes or small retail tenancies designed to service the village's residents conforms with the planning scheme's definition of retirement village, which may include communal, recreation or medical facilities for the residents of the village.
- The amenity of the area will not be further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right. As noted above, the activities on site remain consistent with the purpose of a retirement village use. Therefore, while the intensification of the use may result in further damage to the amenity of the area compared to the existing use operating on site, this not due to a change in activities on site but rather an intensification of the associated development. As noted above, all proposed development has been assessed against the relevant provisions of the planning scheme including with regard to off-site amenity impacts, which is the relevant consideration for the amenity impacts posed by the intensification of the Section 2 Use.

Staging

185. The development is proposed to be carried out in four main stages, with a fifth and final stage to refurbish the existing villa units proposed to be retained in the north of the site. The proposed staging of the development is generally considered logical, allowing stages which can utilise the existing internal road network to commence earlier, constructing a range of building and unit typologies in each of the three main stages to contribute to housing diversity and notably, allows for the delivery of all proposed affordable housing to be constructed in the first stage of the development.
186. Conditions of the planning permit will require the masterplan and landscape masterplan to be endorsed prior to any works commencing to ensure all details of all works (including infrastructure works) for each stage are detailed, the approximate timing of each stage and provide details of any interim or temporary works which may be required between stages. The landscape masterplan will also require the removal and planting of trees and trees which may be impacted by development at each stage to be clearly defined to ensure that trees are not removed prematurely to the construction of works requiring their removal, or where trees with low retention are proposed to be removed and replaced in later stages of the development, allow for early replacement planting to occur.
187. The staged delivery of the project is acknowledged and accounted for throughout the recommended permit conditions regarding the submission of plans and supporting documents required for endorsement, to ensure the orderly progression and regulation of the development.

Recommendation



188. It is **recommended** that Planning Permit No. 2503975 for the Development of the land for a residential aged care facility (80 beds) and retirement village (414 units) located partially within a Bushfire Management Overlay and including both the removal of vegetation (including the removal of canopy trees) and construction of buildings and works within an Environmental Significance and Significant Landscape Overlay be issued, subject to conditions.
189. It is **recommended** that the applicant, the council and all objectors and referral agencies be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [REDACTED]

Title: Senior Planner, Development Assessment

Signed: [REDACTED]

Phone: [REDACTED]

Dated: 31 March 2026

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
- Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [REDACTED]

Title: Manager, Development Assessment

Signed: [REDACTED]

Phone: [REDACTED]

Dated: 31/03/2026

Appendix 1: Assessment of Clause 53.17 (Residential Aged Care Facility) development requirements

Design Requirement	Response
<p><i>Building height (mandatory)</i></p> <p><i>In the General Residential Zone, the maximum building height must not exceed 16 metres.</i></p>	<p>The RAC building proposes a maximum height of 12.75 metres above natural ground level and therefore meets this requirement.</p>
<p><i>Street Setback (can be varied)</i></p> <p><i>The walls of buildings should be set back from street the distance specified in the table. In this instance, the relevant distance is 9 metres.</i></p>	<p>The RAC building has a minimum street setback to Overport Road of 5.373 metres though much of the building setback exceeds 9 metres with a maximum street setback of approx. 15.8 metres.</p> <p>The RAC building's siting in the centre of the Overport Road frontage means it does not have any relationship with the setback of the adjoining property which also fronts Overport Road (87 Overport Road). Buildings C1 and C3 which are more closely sited to Overport Road provide generous street setbacks in excess of 9 metres and provide an appropriate transition in siting from 87 Overport Road and to the RAC building.</p>
<p><i>Side and rear setbacks (can be varied)</i></p>	<p>This requirement is not applicable to the RAC building as it is not sited anywhere near a side or external rear boundary.</p> <p>Notwithstanding this, generous side setbacks are provided between the RAC building and the proposed new buildings on site (Building C1, Block E), beyond what would be required by this standard if these buildings were located on another property.</p>
<p><i>Walls on boundaries (can be varied)</i></p>	<p>This requirement is not applicable to the RAC building as it does not propose any walls on a side or rear boundary.</p>
<p><i>Daylight to existing windows (can be varied)</i></p>	<p>This requirement is not applicable to the RAC building as it is not within close proximity to any existing habitable room windows either on the site or adjoining properties.</p>
<p><i>North-facing windows (can be varied)</i></p>	<p>This requirement is not applicable to the RAC building as it is not within close proximity to any existing north-facing habitable room windows either on the site or adjoining properties.</p>
<p><i>Overshadowing open space (can be varied)</i></p>	<p>This requirement is not applicable to the RAC building as the building does not create any overshadowing to any private open space area of existing dwellings either on site or on adjoining properties.</p>
<p><i>Overshadowing solar energy systems (can be varied)</i></p>	<p>This requirement is not applicable to the RAC building as the building does not create any overshadowing to any rooftop solar energy facilities on existing dwellings either on site or on adjoining properties to the west along Sweetwater Drive.</p>
<p><i>Overlooking (can be varied)</i></p>	<p>The RAC building is located at a significant distance in excess of 9 metres to any secluded private open space or habitable room window of existing dwellings on site or on adjoining properties. No overlooking from this building occurs as a result.</p>
<p><i>Noise impacts (can be varied)</i></p> <p><i>Noise sources, such as mechanical</i></p>	<p>As discussed in further detail in the report in response to Noise impacts, there are no bedroom windows of existing dwellings in proximity to the RAC building, with the services proposed within the basement or rooftop plant for the building, which subject to acoustic assessment required by conditions, will ensure noise emitted</p>



<p><i>plant, should not be located near bedroom of immediately adjacent existing dwellings or small second dwellings.</i></p>	<p>from plant equipment does not exceed permissible levels from existing dwellings or proposed new habitable rooms on site.</p>
<p><i>Access (Can be varied)</i></p> <p><i>Access ways should be design to:</i></p> <ul style="list-style-type: none"> • <i>Provide direct access to on-site designated areas for car and bicycle parking.</i> • <i>Provide direct access to the building for emergency vehicles.</i> • <i>Provide access for service and delivery vehicles to on-site loading bays and storage areas.</i> • <i>Ensure vehicles can enter and exit a development in a forward direction.</i> • <i>Provided a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.</i> • <i>The umber and location of access point from the streets to the site and the design of crossovers must be to the requirements of the relevant road authority.</i> • <i>Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.</i> 	<p>Access to the site is provided via the existing internal road (Sage Drive) with a vehicle drop-off area provided via a cul-de-sac arrangement between the proposed RAC building and the Assisted Living Unit building as well as access to the basement level car parking and bicycle parking via a separate accessway, also accessed via Sage Drive. Port cochere style loading/drop-off and waste collection area is also provided in the frontage of the building, with access and egress to Overport Road.</p> <p>The various vehicle access points and parking/drop-off facilities allow for the safe and efficient function of the site, including access for emergency vehicles, with swept paths for a standard ambulance demonstrated within the cul-de-sac.</p> <p>All other access requirements are discussed in the body of report regarding access/car parking requirements.</p>
<p><i>Building Entry (Can be varied)</i></p> <p><i>The main pedestrian entry to a building should:</i></p> <ul style="list-style-type: none"> • <i>Have convenient access from a street.</i> • <i>Be sheltered from the weather.</i> • <i>Have convenient access from on-site car parking.</i> • <i>Have a designated vehicle standing area suitable for use by a community bus and disable parking area should be provided that is convenient for the drop-off and pick-up of residents.</i> 	<p>The main pedestrian access to the site is provided via existing footpaths along sage drive which connect to the new cul-de-sac vehicle drop-off area behind the building which services the community bus/disabled parking area drop-off requirements. A secondary entrance can be accessed directly from Overport Road, via pedestrian path which separated from the vehicle access to the loading/waste collection drop-off point in the frontage.</p> <p>On-site car parking is provided within the basement level, with easy access via lifts and stairwells which open to the ground floor main lobby/reception area provided.</p>



<p><i>Communal Open Space (Can be varied)</i> <i>Accessible and useable communal open space should be provided for residents and staff.</i></p>	<p>The RAC building provides generous provision of communal open space for aged care residents both within the building (memory support garden, out door deck, café, light well garden and upper level dining rooms, courtyards and sunrooms.</p> <p>These spaces are complemented by the building's access to the wide communal open space areas of the site.</p>
<p><i>Front fence (Can be varied)</i> <i>A front fence within 3 metres of a street (excluding streets in a Transport Zone 2) should not exceed 1.5 metres in height.</i></p>	<p>This requirement is not met, as it is proposed to continue utilising the existing front fencing along the Oveport Road frontage that is 1.8 metres high and a small section of the front fence (adjacent to the services areas abutting Sage Drive) is also proposed to be treated with a solid 2.4 metre high metal screen.</p> <p>As discussed in the body of the report, this fencing response is generally acceptable, as the site located on a heavily trafficked TZ3 road, is proportionate to the scale of the site and consistent with the nature of existing fencing. Excluding the smaller section of the overall frontage proposed to be solidly screened, the front fencing remains highly visually permeable.</p>

Appendix 2: Council Submission and Objection summary and responses



Objection issue	Response
<p><i>Inappropriate building height and built form response which does not respect the low-density neighbourhood character and visual bulk impacts as a result to adjoining property interfaces, the streetscape and public realm.</i></p>	<p>See body of the report for in depth discussion of the building height, massing and scale and its appropriateness in this context, despite the DDO1 height restrictions.</p>
<p><i>Offsite amenity impacts (overshadowing, overlooking, noise transmission, light pollution).</i></p>	<p>See body of the report for more detailed discussion of offsite amenity impacts as a result of the development. Though not applicable to buildings and works for a Section 2 Use in the GRZ, the application would comply with the 'deemed to comply' external amenity standards of Clause 55 (Daylight to existing and north-facing windows, overshadowing, overlooking).</p> <p>Additionally, conditions of the planning permit will require more detailed assessment and plans to be submitted for endorsement to ensure that acoustic attenuation (for roof plant equipment and other building services etc.) and lighting do not result in unreasonable off-site amenity impacts, per their respective applicable environmental controls and Australian Standards.</p>
<p><i>Increased traffic congestion and associated safety impacts, particularly on Overport Road and to students who attend nearby primary schools and Frankston High School.</i></p>	<p>See body of the report for in depth discussion regarding the anticipated traffic impacts on the surrounding road network, particularly Overport Road as a result of the proposal.</p> <p>It should be noted that both the Council (responsible road authority for Overport Road) and Head, Transport for Victoria did not raise concern with the anticipated impacts on the transport/road networks, or for the proposed use and design of the nominated access points to Overport Road. Existing safety concerns that may affect Overport Road as a result of other existing land uses are the responsibility of the council to address.</p> <p>Further, a Traffic and Parking Management Plan will be required to be submitted for each stage of the development, as a condition of the planning permit which will include details of signage or any other measures to be installed onsite or at the site boundaries to ensure the safe movement of vehicles entering and exiting the site.</p>
<p><i>Insufficient on-site car parking and associated impacts on street parking in surrounding streets.</i></p>	<p>See body of the report for more detailed discussion on suitability of on site parking provision. Due to the insular nature of access to the site and availability of parking for residents, staff and visitors, it is not anticipated that any significant impacts to on street parking will occur as a result of the development.</p>
<p><i>Increased demands on surrounding infrastructure, including schools – no guarantees housing will be limited to veterans or retired persons.</i></p>	<p>The site is anticipated to primarily cater towards elderly residents, with families with children associated with the veterans housing anticipated to be a very small portion of future residents.</p> <p>As discussed in detail throughout the report, the site is considered an appropriate location for this form of intensification and serves wider strategic requirements to increase housing supply for certain demographics of the community which are needed in the City of Frankston.</p> <p>A condition of the planning permit will require that retirement living units are to be</p>



	<p>managed in accordance with the Retirement Villages Act 1986 which namely, requires the majority of residents to be aged over 55 or retired from full time work while an amended Affordable Housing Report will be required to be submitted which will outlines requirements for how residents will qualify for veterans housing. The requirements of the Affordable Housing Report will be further secured by a Section 173 Agreement as a condition of the planning permit.</p>
<p><i>Loss of vegetation and established tree canopy and associated impacts on biodiversity and habitat in proximity to Sweetwater Creek. Impacts on significant trees on neighbouring properties (ie. pine trees adjacent to the southern boundary).</i></p>	<p>See the body of the report for more detailed discussion regarding the removal of vegetation as a result of the proposal. The vast majority of trees proposed to be removed are of low or no retention value, with many also being of poor health/dead. While the removal of trees proposed is generally viewed as acceptable, opportunities to retain more trees along property boundaries has been identified and will be secured via conditions of the planning permit.</p> <p>Regarding the environmental concerns for tree removal, it should be noted that the vegetation controls (ESO4 and SLO3) which apply to the site relate to the landscape character and aesthetic contributions of the vegetation, rather than due being of biodiversity or environmental significance. The development includes the retention of 85% of the high retention value trees on site, while only one of the moderate retention value trees that demonstrate habitat value is proposed to be removed. The site and its vegetation does not directly interface Sweetwater Creek and notably, the Significant Landscape Overlays of the Frankston Planning Scheme which relate to protecting the sensitive environs of Sweetwater Creek (SLO4 and SLO6) do not apply to the site.</p> <p>Per the recommendations of the arborist report submitted with the application, a condition of the planning permit will require the submission of a Tree Protection Plan for each stage of the development which will be required to further detail all measures to be undertaken for the design and construction of buildings and works which encroach on the Notional Root Zone of trees to be retained, including trees on neighbouring properties. These requirements will be required to be implemented on site and will be enforceable under the planning permit.</p>
<p><i>Stormwater and flooding impacts.</i></p>	<p>The site is not impacted by any overlays which suggest elevated flooding risk and as part of more detailed design at civil engineering stage, will be required to provide suitable drainage infrastructure, including any upgrades to existing drainage infrastructure in order to ensure all stormwater run off is appropriately discharged into the council's drainage system, as determined by the council..</p> <p>Additionally, the development proposes to implement best practice urban stormwater management interventions on site to reduce impacts on the stormwater system including diverting run off from roof areas into rainwater tanks for onsite reuse and diverting run off from road and car parks into raingardens.</p>
<p><i>Impacts on property values.</i></p>	<p>This is not a planning consideration.</p>
<p><i>Inadequate public consultation (timing, duration) and use of the Development Facilitation Pathway which removes appeal rights.</i></p>	<p>The applicant was directed to give notice of the application in accordance with Section 52(1)(a) and (d) of the <i>Planning and Environment Act 1987</i> and produced a statutory declaration and proof that all properties required to be directly notified and all required notice signs on site was carried out for the prescribed minimum 14 day period. Several months elapsed between public notice commencing and a decision being made, with all application material also remaining publicly available until 5 February 2026, providing ample time for submissions to be made, notwithstanding the holiday period.</p>



	As detailed in the report, this application qualifies for Clause 53.23 (Significant Residential Development with Affordable Housing) and it is optional for an applicant to choose to use this application pathway. The exemption of Clause 53.23 applications from conventional objector appeal rights under section 82 of the Act is in line with the purpose of Clause 53.23, which is to facilitate appropriate developments which qualify under the clause.
<i>Impacts during construction.</i>	While this is not necessarily a planning consideration, a condition of the planning permit will require the application to submit a Construction Management Plan (CMP) for endorsement, in line with Frankston City Council's standard CMP requirements to ensure that measures such as traffic management, environmental impacts, construction hours etc. as a result of the development are appropriately managed to minimise impacts on the surrounding area.

Council submission	Response
Review the articulation of the Residential Aged Care building interfacing with Overport Road to ensure this 'does not dominate the streetscape and the wider landscape setting'. This is the most pressing concern as this building will have the most impact on the streetscape and is poorly articulated in its presentation to the street.	<p>The RAC building is considered to be appropriately articulated in its current form and does not require further refinement. Articulation is achieved through angled, opposing setbacks of the front façade which create depth and cast shadows, recessed breaks in the built form, varied material application, regular window placements in varied designs and sizes and other design detailing to add depth to the façade such as window shrouds.</p> <p>While the building has a wide frontage to Overport Road, this width is not disproportionate to the site's overall Overport Road frontage and this main road context, as well as the institutional nature of this building. It is well separated from other proposed buildings fronting Overport Road and will present as only a 2-3 storey building form, several metres below the maximum height allowed for an RAC building, per Clause 53.17.</p>
The ESA Area Two should have the upper levels setback to reduce impact on the streetscape. The slope of the land in this corner of the site means the building will sit higher than the streetscape on a natural elevation and will dominate the street and roundabout corner – a very visually prominent aspect of the site. This also poorly responds to the Neighbourhood Character Policy Strategies/Guidelines which seek to 'Utilise the existing contours of the site or stepping down the site to minimise site disturbance and impact of the building on the landscape'.	<p>As discussed in the body of the report, it is acknowledged that the north-western wall associated with ESA Area Two's stairwell in its current form would present as a 4-storey sheer brick wall and would be prominent from the streetscape/roundabout.</p> <p>Due to this wall enclosing a stairwell, inclusion of windows or staggering setbacks is not possible however per DTP's Urban Designer recommendation, conditions of the planning permit will require this façade to be further articulated by way of protruding bricks which also wrap-around the north-western to provide additional visual interest. Additionally, conditions will also secure further retention of existing established trees and planting of new trees in the frontage of this building, to ensure the lower levels remain well screened from the Overport Road roundabout.</p>
The proposal should provide open front fencing or post and wire style fencing throughout the development (other than along heavily trafficked roads) to strengthen the continuous	As detailed in the body of this report, the existing open style fencing along Overport Road will continue to be utilised along this road frontage. All other boundaries about the backyards of other residential properties and will therefore be solid timber paling fencing, as appropriate. Internal fencing (largely between/around villa unit and townhouse backyards) will also generally be paling fencing to appropriately provide security and privacy which is considered



<p>flow of vegetation across the site.</p>	<p>acceptable. The development will otherwise remain open and relatively free of fencing around internal properties, and utilise permeable barriers around landscaping, ground floor terraces fronting open space etc. where necessary, ensuring that vegetation and views to vegetation continue to flow across the site.</p>
<p>Increase the setback of the maintenance shed to provide a more substantial landscape buffer (or alternatively relocate).</p>	<p>As discussed in the body of the report, the setback of the maintenance shed (2.5 metres) from the eastern boundary is considered appropriate given the building's low height, lack of any interface to the boundary and existing established vegetation onsite and in neighbouring backyards.</p> <p>Opportunity for additional smaller boundary planting types, which will be determined in detailed landscape plans to be submitted for endorsement is still provided.</p>
<p>Trees impacted by works via paths, roads, demolition and temporary works should be retained where practical and incorporated into the design, especially those with elevated amenity, arboriculture value and ULE.</p> <p>Trees with 20% or less TPZ encroachment should be considered for retention where amenity, species and ULE are suitable.</p>	<p>As discussed throughout this report, the retention of trees is generally considered acceptable, with no tree with a high retention value proposed to be removed strictly due to road works, paths etc. While this is the case for some trees with a moderate retention value, this is often to enable the retention of a higher value tree (ie. basement ramp for Block D results in removal of a number of small moderate retention value trees but avoids removal of higher value Tree 120, removal of moderate value Tree 161 for access road between RAC and Block A avoids removal of higher value Tree 126, etc.)</p> <p>As already discussed throughout this report, conditions of the planning permit will require the further retention of 11 additional trees/tree groups with no encroachment/encroachments less than 20%.</p>
<p>Additional trees should be provided throughout the development in the following areas:</p> <ul style="list-style-type: none"> • Entrance No. 1 Entry Garden, to provide a treed avenue entrance and other new driveway entrances. • Shade tree provided around seating areas in the No. 2 Urban Plaza around the pathways and playground in the Village Green. • Increase street tree planting near the eastern units and around western blocks. 	<p>The entry garden and urban plaza are constrained by basement levels below to accommodate larger/additional tree planting however areas for additional canopy tree planting across the site have been identified in the discussion plan submitted 12 March 2025 which includes additional tree planting around the village green and a separate condition will also require additional tree planting along the eastern villa unit (Villa Unit 3).</p>