

Planning Assessment Officer Report

PA2604266 –724-728

Whitehorse Road, Mitcham



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information		Details			
Application No:	PA2604266				
Received:	11 March 2026				
Applicant:	Arcare Pty Ltd				
Planning Scheme:	Whitehorse				
Land Address:	724-728 Whitehorse Road, Mitcham				
Proposal:	Development of the land for a residential aged care facility and the associated display of signage (including illuminated signage) and removal of vegetation, including native vegetation and canopy trees, submitted via Clause 53.23 (Significant Residential Development with Affordable Housing).				
Development Value:	\$60,000,000.00m				
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 53.23 (Significant Residential Development with Affordable Housing) applies.				
Why is a permit required?	Clause	Control		Trigger	
Zone:	32.08-9	General Residential Zone, Schedule 2	Construct a building or construct or carry out works for a residential aged care facility		
Overlays:	42.02-2	Vegetation Protection Overlay, Schedule 3		Remove, destroy or lop vegetation	
	42.03-2	Significant Landscape Overlay, Schedule 9		Construct a building or construct or carry out works, construct a fence and remove, destroy or lop native vegetation.	
Particular Provisions:	52.05-2	Signs		Construct or put up for display a sign in Section 2.	
	52.17-1	Native Vegetation		Remove, destroy or lop native vegetation	
	52.37	Canopy Trees		Remove, destroy or lop a canopy tree.	
Cultural Heritage:	The site is not in an identified in an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan is therefore not required.				
Referral Authorities:	Whitehorse 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: - Three signs displayed on site for at least 14 days - Direct mail notice to owners and occupiers of adjoining and surrounding properties. 3 objections have been received at the time of writing.				
Delegates List:	Approval to determine under delegation received on 1 June 2026				



1. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	11 March 2026
Further information requested and received	Requested 2 April 2026 and received 9 April 2026
Public Notice	17 April 2026 to 1 May 2026
Decision Plans	Architectural Plans, prepared by VIA, Drawing Nos. TP00-000 (Rev TP10), TP00-001 (Rev TP5), TP00-002 (Rev TP7) TP00-003 (Rev TP7),TP10-000 (Rev TP9), TP10-001 (Rev TP9), TP10-002 (Rev TP9), TP10-003 (Rev TP8), TP10-004 (Rev TP7), TP40-001 (Rev TP9), TP41-001 (Rev TP8) and TP60-001 (Rev TP1) and the Signage Plans, prepare by Knowles Group, dated 25 June 2025
Other Assessment Documents	John Patrick Landscape Architects, dated 4 March 2026 Design Report/Response, prepared by VIA, dated February 2026. Sustainability Management Plan, prepared by Lincoln Pearce, dated 17 October 2025 Arboricultural Impact Assessment, prepared by Sustainable Tree Management, Version 2, dated 23 February 2026. Native Vegetation Removal Report dated 23 February 2026. Native Vegetation Credits Report, dated 23 February 2026. Traffic Engineering Assessment, prepared by OneMileGrid, dated 24 February 2026 Waste Management Plan, prepared by OneMileGrid, dated 27 May 2025 Stormwater Management Plans, prepared by Lanigan Civil, Rev A, dated 23 March 2026. Housing report, prepared by Arcare, dated July 2025 QS Report, prepared by WT, dated 6 June 2025 Planning Report, prepared by Contour, dated March 2026 Survey Plan, prepared by Speedie Development Consultants, dated 20 September 2024. Preliminary Risk Screening Assessment, prepared by Environmental Earth Sciences, Version 1, dated 28 February 2025.

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



Site Description

3. The subject site is formally described as:
 - Lot 1 on Title Plan 448313E.
4. The subject site is rectangular shaped and is approximately 6019sqm in size, with a frontage of approximately 49.5m to Whitehorse Road and approximately 126m to Witt Street, Mitcham.
5. The topography of the site slopes away from Whitehorse Road, with a fall of approximately 4.7 metres across the site.
6. The site previously accommodated a building used for the purpose of a disability services and support centre. The building was predominantly located on the western side of the site, and the eastern side was predominantly used for car parking.
7. The site contains several mature trees which are described throughout this report.
8. The site contains the former Epworth rehabilitation hospital at 85-93 Wilson Street, vacant land 10-14 Alverna Grove and a vacant dwelling at 16A Alverna Grove.
9. The site does not contain any easements or restrictions.



Above: Aerial image of the subject site and surrounds (source: Contour Planning Report).

Site Surrounds

10. The subject site is located within an established residential area in Mitcham, approximately 1.4km from the Mitcham Activity Centre, 1.8km from the Ringwood Activity Centre and 21.5km from the Melbourne CBD.
11. The immediate surrounds of the site are described as follows:

North:

To the immediate north of the site, is Whitehorse Road, a six-lane arterial road with a two-way service road providing access to the site and to Witt Street. There is a vegetated nature strip in between the main carriageway and the service road that accommodates a number of mature trees. On the opposite side of Whitehorse Road is another service lane which provides access to several residential properties, many of which have been developed for medium density unit style developments.



South:

To the immediate south of the site is 7 Tennyson Street which contains five joint single storey residential units. On the opposite side of Tennyson Street is the Lilydale / Belgrave to Melbourne railway line, with Heatherdale and Mitcham stations being approximately 400 metres to the east and 1.4 kilometres to the west respectively. This area is connected by a network of linear reserves including the Buxton Road Linear Reserve and Railway Linear Reserve which connect through to Tennyson Street. This also connects via a bridge over the railway to the Pipe Track Linear Reserve which continues to the Mitcham Reservoir to the southwest

East:

To the immediate east of the site are 5 adjoining residential properties including 730 Whitehorse Road, 2, 4, and 6 Buxton Street and 5a Tennyson Street, Mitcham. Three of the properties are all freestanding, one or two storey dwellings, built on standard residential lots, with the exception of 5a Tennyson Street, which is a battle-axe block from a former subdivision.

West:

To the immediate west of the site is the Witt Street road reserve which accommodates a standard two-lane residential street. On the opposite side of Witt Street are three dwellings with side boundaries to Witt Street being 21 and 22 Walter Street and 722 Whitehorse Road, Mitcham. These dwelling are single and double storey in scale and are accessed via Witt Street.



Proposal summary

12. The application seeks approval for the construction of buildings and works for an aged care facility, providing accommodation for 133 residents, with associated facilities, including communal and leisure areas. Additionally, the proposal includes the display of business identification signage including illuminated signage and the removal of vegetation, including native vegetation. Details are further summarised below:

- Construction of a 3-storey building, plus a basement level, with a maximum height of 12.885m.
- The building is proposed to contain 133 residential aged care accommodation rooms, with various communal and leisure facilities, including but not limited to, outdoor terraces, a theatre, dining, activity rooms, multiple lounges, a billiard room, and café spaces. Operational facilities are also provided for including kitchen, admin rooms, meeting rooms and cleaning and laundry facilities.
- The building is contemporary in design and is proposed to be constructed of a combination of materials and finishes including brick, dark satin vertical seam metal cladding, textured render and metal blade balustrades. The roof form is proposed to be pitched.
- A vehicle crossover and driveway providing access to the basement carpark is proposed near to the southern boundary of the site along Witt Street, generally in the same position as an existing crossover. Additionally, a porte cochere is proposed via Witt Street. In total 6 crossovers are proposed to be removed and three new crossovers are proposed to be constructed.
- The basement car park is proposed to contain 65 car parking spaces for staff and visitor use.
- A total of 3 business identification signs are proposed to be installed, all of which are proposed to be internally illuminated.
- A total of 4 trees are proposed to be removed which require planning permission. The trees proposed for removal are described below:
 - Tree 16 (Spotted Gum)
 - Tree 20 (Messmate)
 - 2 x long-leaved box (Tree 11 and 12)

For removal, all of the trees require planning permission the SLO and Clause 52.37, Tree 20 requires planning permission under the VPO and Tree, 11, 12 and 20 require permission under Clause 52.17.

13. Architectural renders of the proposed development are shown below:



Above: Architectural render of front elevation to Whitehorse Road.



Above: Architectural render of front elevation to Witt Street.



Above: Architectural render of front elevation to Witt Street entry.



Municipal Planning Strategy

14. 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	Strategic Directions
02.03-1	Settlement
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-5	Built environment and heritage
02.03-6	Housing
02.03-8	Transport
02.04	Strategic framework plan

Planning Policy Framework

15. 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
11.01-1R	Settlement – Metropolitan Melbourne
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise management
13.07-1I-01	Amenity
Clause 16	Built Environment and Heritage
15.01-1S	Urban Design
15.01-2S	Building Design
15.01-1I-01	Signs
15.01-2L	Environmentally Sustainable Development
15.01-4s	Health Neighbourhoods
15.01-5S	Neighbourhood character
15.01-5L	Preferred neighbourhood character
15.01-5L-01	Tree conservation
Clause 16	Housing
16.01-1S	Housing Supply
16.01-1L	Housing Supply
16.01-2S	Housing Affordability



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

16. The assessment section of this report provides a detailed assessment of the relevant planning policies .

Zoning and Overlays

General Residential Zone, Schedule 2

17. The purpose of the General Residential Zone is to:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To encourage development that is responsive 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, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
18. Pursuant to Clause 32.08-1, a residential aged care facility is identified as a Section 1 use and therefore planning permission is not required for the land use.
19. A planning permit is required pursuant to Clause 32.08-9 to construct a building or construct or carry out works for a residential aged care facility.
20. Clause 32.08-9 specifies that a development must meet the requirements of Clause 53.17 – Residential aged care facility.

Significant Landscape Overlay, Schedule 9

21. The purpose of the Significant Landscape Overlay is to:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To identify significant landscapes.
 - To conserve and enhance the character of significant landscapes.
22. Pursuant to Clause 42.03-2 (SLO) a planning permit is required to construct a building or construct or carry out works, to construct a fence and to remove, destroy or lop vegetation. This is unless certain exemptions apply.
23. Under the SLO9, a permit continues to be required for buildings and works and the proposed fence and Tree 11, 12 ,16 and 20 require planning permission for their removal due to their size.

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24. The SLO9 sets out a statement of nature and key elements of landscape at Clause 1.0 and the following landscape objectives at Clause 2.0:
- *To retain and enhance the canopy tree cover of the Garden and Bush Suburban Neighbourhood Character Areas.*
 - *To encourage the retention of established and mature trees.*
 - *To provide for the planting of new and replacement canopy trees.*
 - *To ensure that development is compatible with the landscape character of the area.*

Vegetation Protection Overlay, Schedule 3

25. The purpose of the Vegetation Protection overlay is to:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To protect areas of significant vegetation.*
 - *To ensure that development minimises loss of vegetation.*
 - *To preserve existing trees and other vegetation.*
 - *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
 - *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
 - *To encourage the regeneration of native vegetation.*
26. Under the VPO3, a permit is required to remove Tree 20 as Tree 20 is identified in the Incorporated Document No. 11 - *City of Whitehorse - Statements of Tree Significance, 2006*.

Environmental Audit Overlay

27. The purpose of the Environmental Audit Overlay is to:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*
28. The requirements of the overlay apply because a sensitive use is proposed.

Development Contributions Overlay, Schedule 1

29. The purpose of the Development Contributions Plan Overlay is to *'identify areas of which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.'*
30. Schedule 1 to the DCPO, gives effects to the Whitehorse Development Contributions Plan (December 2023). prescribes development and community infrastructure levies payable for residential and commercial development. The site is within the area covered by the development contributions plan. This matter is discussed in the assessment section of this report.

Provisions that Require, Enable or Exempt a Permit

Clause 52.05 – Signs

31. The purpose of Clause 52.05 is to:
- *To regulate the development of land for signs and associated structures.*
 - *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
 - *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
 - *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*
32. The proposed internally illuminated business identification signage requires planning permission under Section 2 of Category 3 (High Amenity Areas) of Clause 52.05.

Clause 52.06 – Car Parking

33. 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 2 area, requiring 0.25 spaces to each bedroom offered within a residential aged care facility.
34. As discussed in further detail in subsequent sections of the report, the current statutory parking requirement of 44 spaces is met and therefore a planning permit is not required to reduce the statutory car parking requirement
35. The design standards of Clause 52.06-9 are applicable with regard to the proposed car parking layout and design.

Clause 52.34 – Bicycle Facilities

36. 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.
37. A residential aged care facility is not 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.

Clause 52.17 – Native Vegetation

38. A permit is required pursuant to Clause 52.17-1 to remove destroy or lop native vegetation, including dead native vegetation.
39. The purpose of Clause 52.17 is:
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
1. Avoid the removal, destruction or lopping of native vegetation.
 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

40. Under the guidelines referred to above, the proposal falls within the basic assessment pathway. Further details are contained in the assessment section of this report.

Clause 52.37 – Canopy Trees

41. 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.
42. 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.
43. 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.

General Requirements and Performance Standards

Clause 53.17 – Residential Aged Care Facility

44. This clause applies to an application to construct a building or construct or carry out works for a residential aged care facility in the Neighbourhood Residential Zone.
45. The purpose of Clause 53.17 is to:
- *To facilitate the development of well-designed residential aged care facilities to meet existing and future needs.*
 - *To recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood.*
 - *To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.*
46. The clause prescribes several application and development requirements which apply to applications under the clause, including a maximum building height of 16 metres in the Neighbourhood 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.

Clause 53.18 – Stormwater management in urban development

47. 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.
48. 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

49. 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.

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50. The development was confirmed as eligible under Category 1 of Clause 52.23 of the Kingston 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.
51. The affordable housing contribution is discussed in the assessment section of this report.
52. 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.

Other

53. It is noted the north-western corner of the subject site is in a designated bushfire prone area. Aside from proposed signage, the proposed buildings and works associated with the aged care facility are proposed to be located outside of the bushfire prone area of the subject site. Accordingly, the BPA construction requirements do not apply, and the provisions of Clause 53.02 have not been assessed.

Planning Scheme Amendments

54. **Amendment VC270** was introduced on 31 March 2026 and introduced planning controls for Stage 1 of the train and tram activity centre program, which included the introduction the Housing Choice and Transport Zone to “catchment” areas, located in immediate proximity to identified activity centres. The subject site is now located in the HCTZ and as part of this amendment, the DDO3 is no longer applicable to the subject site. As noted above in this report, as the application as made before the gazettal date, the application is subject to transitional arrangements, and accordingly the decision guidelines of the former zoning (Neighbourhood Residential Zone, Schedule 3) continue to apply, for the purpose of this application.



Referrals

55. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 52(1)(b)	Whitehorse City Council	Objection received 16 March 2026

56. The council provided a response on 16 March 2026. In summary, at an officer level, the council objects to the proposal based on concerns relating to vegetation loss, character, built form and setbacks, access, signage, noise, and development contribution requirements.

57. A detailed assessment of the council's response is contained at **Appendix B**.

Notice

58. 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 32.08-9 (General Residential Zone)
- Clause 42.02 (Vegetation Protection Overlay)
- Clause 42.03 (Significant Landscape Overlay)
- Clause 52.05 (signs)
- Clause 52.17 (Native Vegetation)

59. The applicant was directed to give notice by way of erecting 3 signs on the site and notifying adjoining and surrounding property owners and occupiers (where relevant).

60. A total of 3 objections were received, raising the following key issues:

- Visual impact and neighbourhood character
- Traffic generation concerns
- Access and safety issues regarding access.
- Noise impacts
- Impacts during construction.

61. A detailed response to objections raised is contained in **Appendix C**.



Strategic Direction and Land Use

62. The *Municipal Strategic Statement* and *Planning Policy Framework* encourage 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. The Municipal Planning Strategy and Planning Policy Framework in the Whitehorse Planning Scheme has been considered in detail in the assessment of this application.
63. The proposal seeks to develop the land for a new residential aged care facility with rooms for 133 residents. The proposal to deliver a new aged care facility responds to strategic directions set for housing under Clause 02.03-5. Notably, strategic directions for housing in Whitehorse seek to 'encourage a broader range of housing types to meet the differing needs of the existing and future population'. The proposed aged care facility will meet the community's long-term housing and care needs, enabling older residents to age in place.
64. At Clause 02.04 (Strategic framework plans) the site is identified in an 'natural change area' in the Residential Strategic Framework Plan. The vision for natural change areas is set out at Clause 02.03-6 and is to allow for modest housing growth and a variety of housing types provided they achieve the preferred neighbourhood character. Directions at Clause 02.03-6 seek to direct new housing in natural change areas to locations with good access to public transport and local services, and where it can positively contribute to the preferred neighbourhood character of the area. The proposed development will provide a new aged care facility for the municipality's ageing population in a well serviced location near to Heatherdale Station and is designed to integrate well with the neighbourhood character, as discussed in this report.
65. Clause 16.01-5S (Residential Aged 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 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. The proposal will deliver a well-designed and appropriately located aged care facility in Mitcham, contributing to housing needs for older people within the community.

Buildings and Works

66. A detailed assessment of the proposal against Clause 53.17 (Residential Aged Care Facility) is contained at **Appendix A** of this report. Key matters from the assessment are discussed in the following sections.

Height

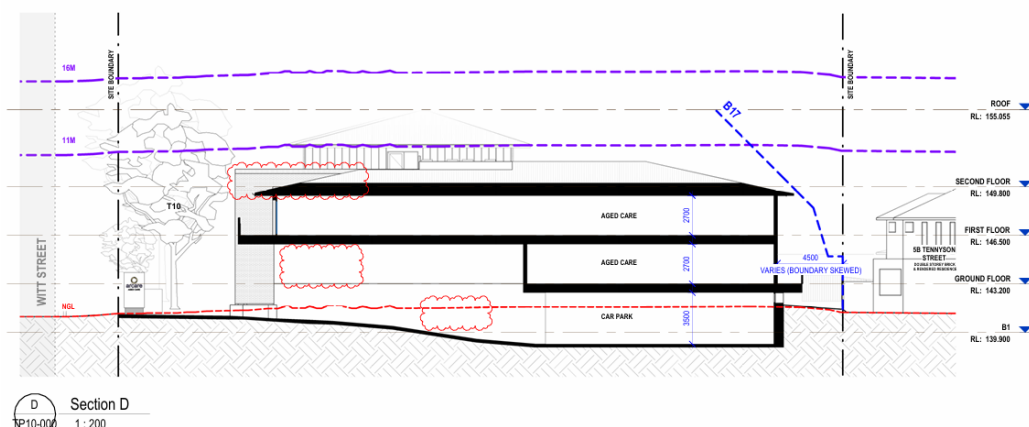
67. Clause 53.17 (Residential Aged Care Facility) prescribes a maximum height of 16 metres for an RAC building in the General Residential Zone, which prevails over any other otherwise applicable building height requirement in the planning scheme. The building is proposed to be constructed to a maximum height of 12.885m and is therefore compliant with the height requirement of Clause 53.17.
68. Whilst the immediate surrounding development generally consists of one and two storey residential development, the proposed 3 storey form is compliant with the underlying storey limit prescribed by the GRZ2 and the recession and design details of the upper level, will assist ensuring the building mass is not dominant and integrates with the streetscape.
69. The proposed building height is also acceptable, having regard to the decision guidelines of the SLO, because the development generally sits below the height/canopy of several of the significant retained native trees located around the periphery of the subject site.

Setbacks

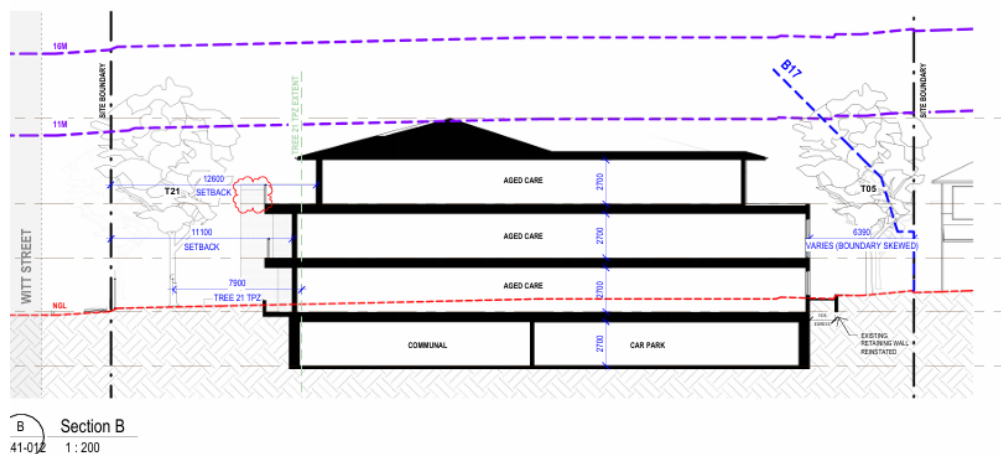
70. The building is proposed to be setback between 5.545m (to the edge of veranda) and 9.635m from Whitehorse Road. While the minimum setback is less than 9m street setback requirement prescribed by Clause 53.17, the front setback is acceptable because:

- The setback to the front wall, excluding the encroachment of the balconies and verandah, is 7.7m. This is generally consistent with the prevailing average street setbacks of surrounding development to the Whitehorse Road Service Road exhibited to be approximately 7.15m.
- The setbacks align with and generally exceed the setbacks of the building recently demolished on the site.
- The setbacks enable the retention of existing trees and planting of new vegetation in this setback.

71. The same applies to the street setbacks proposed to Witt Street, which are to vary from 8.076m up to 16.045m. The proposed setbacks exceed the setbacks of the adjoining property at 1-5/7 Tennyson Street and the previous street setbacks of the building recently demolished on the site.
72. Clause 15.01-5L (preferred neighbourhood character) seeks to ensure development in the Garden Suburban 11 Precinct maintains consistent front setbacks and spacing between development, with development setback or appear to be setback from at least one side boundary. The proposal achieves this by complying with the side and rear setback development requirement of Clause 53.17 and aside from the basement ramp, no walls on boundary are proposed
73. The proposed development is designed to fully comply with the side and rear setback development requirements of Clause 53.17, and the upper level of the development has been purposely sited and designed to be recessed from the levels below. This will assist in limiting visual bulk impacts and is an appropriate response to the neighbourhood character. Compliance with the Clause 53.17 setback requirements is demonstrated in the following eastern sections:



Above: Section D, eastern section diagram.



Above: Section B, eastern section diagram.

74. The proposed front, side and rear setback requirements are also acceptable having regard to the SLO9, as sufficient space is provided between the built form and adjoining boundary to retain a sufficient number of mature trees and to facilitate the planting of new trees and vegetation. This will ensure the site continues to positively contribute to the leafy garden and bushy character of the area.

Design Detail

75. Clause 53.17 recognises that residential aged care facilities have a different scale and built form to the surrounding neighbourhood. Accordingly, the proposed development is not expected to directly respond to the character of adjoining and nearby residential dwellings. In this regard, features such as a porte cochere, deep entry canopies and the required services including the substation, are acceptable when considering the functional needs of an aged care facility.
76. Notwithstanding the above, it is considered the development has been respectfully designed to respond to the neighbourhood character and the amenity of immediately adjoining properties. This is demonstrated by key features including the proposed scale of the building, the pitched roof form, the proposed recession of upper levels, the incorporation of building cut out and varied setbacks, and the incorporation of materials characteristic to the area.
77. The proposed design detail is contemporary, and the varied use of materials will contribute to an articulated built form. The proposal utilises a combination of material finishes, including brick finishes, textured render, metal cladding and a metal pitched roof form. The varied uses of materials across the building, along with the incorporation of breaks in the built form, varied setbacks, and a recessive upper level, will assist in ensuring the building is well articulated will not cause any adverse visual impacts from both adjoining properties and the public realm.
78. It is noted the design details of the substation are not clearly shown on the elevation plans. This is recommended to be secured by condition with a requirement for the substation to be integrated into the overall design. This can be generally as per that proposed for the fire cupboards, water meter etc.
79. Additionally, some further detail is recommended to be secured in a final material and finishes schedule for endorsement. Subject to the recommended conditions, it is considered the development will positively contribute to the streetscape.

Signs

80. Clause 52.05 (Signs) seeks to ensure signs are compatible with the amenity and visual appearance of the area, do not cause loss of amenity or adversely affect the natural or built environment, or the safety appearance of efficiency of a road. Similarly, in residential areas, Clause 15.01-1L-1 (Signs) seeks to:
- Minimise the number of signs to protect the character and amenity of the area.
 - Restrict floodlit and internally illuminated signs to roads with high traffic volumes due to their potential to detrimentally impact on the amenity of abutting residential properties and the streetscape.
 - Design free-standing business identification signs for non-residential uses, including medical centres and home-based businesses, to be of a low-profile design to minimise visual intrusion into the residential streetscape.
81. The decision guidelines of Clause 52.05 and the strategies and guidelines of Clause 15.01-1L-01 have been considered in the assessment of the proposal. The proposed business identification signs, are acceptable for the following reasons:
- The proposed signs requiring planning permission are sufficiently spread out across the 123m Witt Street frontage and will not result in visual clutter.

- The signage is appropriate given the nature of the use and the need for services and visitors to easily identify the building.
- The single sided landscape freestanding sign, which is located to face out of the corner of Witt Street and the Whitehorse Road service road. The sign does not directly face a residential property and the sign faces a service road to Whitehorse Road and is a considerable distance from the main carriageway of Whitehorse Road. The proposed internal illumination is therefore unlikely to cause any off-site amenity impacts to residential properties or the road network by way of light pollution. The location of the sign will assist in clearly identifying the aged care facility from the main road.
- The pylon sign adjacent to the porte cochere faces north/south. The sign does not directly face the residential properties located west of the site across Witt Street and is located a substantial distance from the closest adjoining residential property at 1-5/7 Tennyson Street, Mitcham. Given the orientation of the sign and its location, its considered the sign will not cause unreasonable off-site amenity impacts by way of light pollution.
- The pylon sign adjacent to the basement entry is also appropriately located and design to clearly identify the basement entry for visitor and staff parking and for loading activities. This sign however is within proximity to a number of north-facing habitable room windows at 1-5/7 Tennyson Street, Mitcham. Given the residential context of the site and to ensure no adverse amenity impacts by way of light pollution occur, a condition is recommended to be included on the planning permit requiring this internal illumination of the sign to be turned off between 11pm and 6am each day.

82. Further conditions are recommended to be included on the permit to ensure the signage is not mis-used (i.e. not flashing light or animation) and to ensure the signage does not impact on the amenity of the area in regard to light spill or lack of maintenance. Subject to the recommended permit conditions, the proposed signs are acceptable and will not negatively impact on the amenity and character of the area.

Tree removal and landscaping

83. The site is affected by several layers of planning controls which afford protection to native vegetation and canopy trees. Of the 22 trees on site identified as the most significant, 4 are proposed to be removed (Tree, 11, 12, 16 and 20). The relevant controls are assessed below in regard to both tree removal and landscaping.
84. Broadly though in regard to the proposed landscape scheme, the proposal incorporates landscaping throughout the site, with a focus on three different spaces across the internal courtyard and around the Porte cochere, incorporating both indigenous and exotic species of trees, plants and shrubs. In addition to the assessment below, it is considered the landscape scheme has sought to respond to the character guidance contained in 15.01-5L (Preferred neighbourhood character), as well as the SLO9 requirements.

Vegetation Protection Overlay, Schedule 3

85. Tree 20, proposed to be removed, is identified as a significant tree in the Incorporated Document No. 11 – City of Whitehorse Statements of Tree Significance, 2006, and thus requires planning permission for its removal under the VPO3.
86. Having regard to objective and decision guidelines of the VPO3, the proposal to remove Tree 20 is acceptable because the project Arborist has assessed the tree to be of poor health and medium retention value, and for these reasons is no longer a tree with special significance. The tree is also positioned in conflict with the power line, requiring ongoing pruning for powerline clearance. This has evidently contributed to its poor health and structure.
87. The balance of the remaining significant trees identified on the site in the ID referred to above, are assessed to be in fair health and of high retention value, and these trees are proposed to be retained and protected. Conditions of the permit will further secure a tree protection management plan for trees to be retained.



Significant Landscape Overlay, Schedule 9

88. Having regard the objectives and decision guidelines of the SLO9, the proposal to remove Tree, 11, 12, 16 and 20 is acceptable for the following reasons:
- None of the trees proposed for removal have been identified as high retention value within the supporting evidence and commentary provided by the project Arborist.
 - The extent of tree removal will be mitigated by the proposed landscape scheme, which seeks to provide 44 new canopy trees across the site, in addition to the 18 trees proposed for retention.
 - Removal of the trees is validated by the proposal to deliver a new residential aged care facility which overall seeks to respond to the leafy Garden and Bush Suburban character of the area in both the built form and landscape proposal. When considering all factors, including the offset planting, the site will continue to positively contribute to the garden suburban character of the area.
89. The landscape plan is responsive to the decision guidelines and statement of significance contained within the SLO9. A substantial extent of replanting proposed, and the provision of landscaping proposed throughout the site suitably incorporates indigenous and native vegetation. The proposed landscape plan is recommended to be secured by condition along with additional details to ensure the longer-term maintenance of the proposed replanting/landscaping scheme.

Clause 52.17 – Native Vegetation Removal

90. The application is supported by the following reports which collectively contain the information required pursuant to Section 6.4.1 of the Guidelines for the removal, destruction or lopping of native vegetation 2017 (the guidelines):
- Arboricultural Impact Assessment, prepared by Sustainable Tree Management, Version 2, dated 23 February 2026.
 - Native Vegetation Removal Report dated 23 February 2026.
 - Native Vegetation Credits Report dated 23 February 2026.
91. The reports confirm the proposed native vegetation removal falls within the basic assessment pathway. It is noted that due a Habitat Hectare Assessment was not required due to the proposal falling within the basic assessment pathway.
92. The native vegetation proposed to be removed includes 0.071 of native vegetation in the form of 3 scattered trees. A scattered tree is defined as native tree that does not form part of a remnant patch.
93. The applicant has adequately responded to the application requirements set out at Table 4 of the Guidelines. In this regard, the following is noted:
- The submitted information shows the existing native vegetation on the site with a plan showing the extent of proposed native vegetation to be removed and is supported by the required offset requirement material.
 - The proposal has sought to avoid and minimise the loss of native vegetation and several options have been explored to avoid native vegetation removal. Specifically, alternative locations for the Porte cochere have been explored, including an option for this to be placed in the north-western corner of the site. This alternative option presented other complexities, in that the group of health trees in the corner of the site could be compromised. Additionally, the positioning of a vehicle exit close to the intersection between Witt Street and Whitehorse Road Service Road is not a preferred outcome from a traffic engineering perspective.
 - Tree 20, proposed to be removed where the porte cochere is to be located, has been identified to be in declining health and also requires ongoing pruning due to its position below the power lines.
 - Trees 11 and 12 are relatively small and are identified to be of low retention value due to their poor form and structure due to overheard power line clearance pruning. The removal of these trees will help to facilitate safer vehicle sightlines.



- The development otherwise avoids the removal of 18 other large canopy trees of significance.
94. The proposal has been adjusted over the course of the pre-application phase to minimise impacts to native vegetation and on balance the extent of tree removal is acceptable, considering the extent of trees to be retained, and the constraints of the site which the applicant has sought to respond to. The proposed offsets, along with the extent of replacement planting, will have a positive impact, in the long term, on the site's contribution to local biodiversity values.
95. According to the Guidelines, offset requirements can be secured by either:
- A credit extract allocated to the permit from the Native Vegetation Credit Register.
 - A first party offset site is established, including a signed security agreement and management plan as described at Section 9 of the Guidelines.
96. The submitted native vegetation removal reports confirm that a general offset of 0.012 General Habitat Units, with a minimum strategic biodiversity score of at least 0.08, is required. This will need to be provided to compensate for the biodiversity impact associated with the removal of the native vegetation shown and described above.
97. The application is supported by a quotation for the supply of native vegetation credits through a Department of Energy, Environment and Climate Action (DEECA) accredited offset provider. This indicates that as at the date of that quotation, suitable native vegetation credits were available to offset the biodiversity impact associated with the proposed native vegetation removal.
98. The applicant has adequately responded to the application requirements set out at Table 4 of the Guidelines. In this regard, the following is noted:
99. Based on the above, the application is supported subject to a condition requiring the permit holder to provide evidence that the required offset has been secured to the satisfaction of the responsible authority ahead of the removal of any native vegetation.

Clause 52.37– Canopy Trees

100. Trees 11, 12, 16 and 20 are boundary canopy trees as defined under Clause 52.37 and therefore planning permission is required under this clause for removal.
101. Having regard to the decision guidelines of Clause 52.37, the proposal to remove the 4 boundary canopy trees is acceptable because:
- The trees are not identified to be of high retention value.
 - Tree 20 is located below the powerline and requires ongoing pruning to ensure adequate powerline clearance.
 - It is considered that the development has sought to limit impacts to trees, with only 4 proposed to be removed out of 22 currently on site.
 - The extent of replanting will counteract any cumulative impact associated with the removal of the trees. Specifically, the proposal will more than double the canopy coverage across the site with an additional 44 canopy trees proposed to be planted.
102. In regard replanting, the 14.5% increase in canopy coverage on the site (total 26%) is a welcomed element of the proposal and the proposed landscape plan is recommended to be secured by condition, along with additional detail regarding ongoing maintenance.



Amenity Impacts

Overshadowing

103. The proposed development has been designed to minimise overshadowing to secluded private open space areas of adjoining properties and the recessive upper-level setbacks, particularly to the site's southern and eastern interfaces.
104. The shadow diagrams from the hours of 9am to 3pm on the September Equinox, generally demonstrate that shadows from the development, will fall within the site, within existing shadows cast by fences or structures on adjoining properties or over the adjacent driveway associated with 5A and 5B Tennyson Street, Mitcham. The exception to this is some additional overshadowing to the SPOS areas of 4 and 6 Buxton Road to the east of the site at 3pm. However, the extent of overshadowing complies with the development requirements of Clause 53.17.
105. The shadow diagrams also demonstrate that the development will not overshadow solar energy facilities on adjoining properties.

Overlooking

106. The proposed development generally complies with the overlooking requirements of Clause 53.17-3, and it is noted the overlooking requirements for aged care facilities, set at Clause 53.17-3, differ from that prescribed for dwellings under Clause 54, 55, 57 and 58.
107. In accordance with Clause 53.17-3, the terraces and habitable room windows within 9m of adjoining secluded private open space or habitable room windows on adjoining properties, are proposed to be screened by 1.2m frosted/obscure glass, solid balustrades or maximum 25% transparent high balustrades, or windowsill heights 1.2m above the finished floor level. This is evidenced clear notations and dimensions on the proposed floor plans and elevation plans. The proposal is therefore acceptable in regard to overlooking impacts.
108. Further specifics on the various overlooking treatments proposed are assessed in detail at **Appendix A** of this report.

Noise

109. 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.
110. The development has been designed to concentrate noise sources of the buildings (i.e. plant equipment) within the basement and on the roof top away from adjoining residential properties. The location of the plant equipment is acceptable. Further detail on the proposed acoustic screen is recommended to be secured by condition.
111. Noise generating operational activities such as waste collection and loading are also facilitated generally within basement, as outlined in the submitted Waste Management Plan. Subject to these arrangements, operational noise will be suitably managed. It is noted the noise sources from the residents themselves, along with resident activity, will be subject to standard residential noise emission requirements set by the EPA.

On-site Amenity

112. Pursuant to the decision guidelines of Clause 53.17, the responsible authority must consider the proposed amenity of future residents of the residential aged care facility. In this regard, the proposal is well designed and caters for the functional, social and recreational needs of future residents, through the inclusion of the following:
 - Several lounge rooms located throughout the building for convenient access by all residents.
 - Dining areas located throughout the building for convenient access by all residents.

- Health-related facilities, including a clinic and medical room ancillary to the primary use of the land. These facilities are located on all levels.
- Activity rooms which are designed to be multi-purpose.
- A gymnasium.
- A salon for resident use.
- A theatre space and café.
- Courtyards on the ground floor, which are partly paved and landscaped to provide for seating and passive recreation.

113. Each bedroom is also provided with natural ventilation and appropriate daylight, and in some cases have direct access to external terraces.

114. The proposal clearly seeks to provide quality amenity for future residents which is welcomed.

Sustainability

Environmentally Sustainable Design (ESD)

115. Clause 15.01-2L-01 (Environmentally Sustainable Development) seeks to achieve best practice in environmentally sustainable development to facilitate development that minimises environmental impacts.

116. A sustainability management plan prepared by Lincoln Pearce was submitted with the application which includes 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 of 51% that outlines a range of ESD initiatives including:

- A solar PV system with a minimum capacity of 15kW.
- Water efficient fittings, fixtures and appliances.
- A 20,000L Rainwater tank for rainwater reuse onsite.
- Provision of landscaping to mitigate the urban heat island effect.
- High-performance fabric and glazing and energy efficient heating and cooling systems.

117. The proposal commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 (Environmentally Sustainable Development) and the SMP is recommended to be secured for endorsement by condition.

Water Sensitive Urban Design (WSUD) & Stormwater Management

118. 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 management guidance* (Environment Protection Authority - Publication 1739.1, 2021)

119. The Stormwater Management Plan, prepared by Lanigan Civil, submitted for the development outline a range of WSUD treatment measures on site including diversion of roof areas into the rainwater tank for reuse onsite for irrigation. 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. The information provided, including MUSIC modelling, indicates the development will meet best practice requirements.

120. Conditions are recommended to be included on the permit which secure some additional detail regarding stormwater protection during construction.

Car and Bicycle Parking, Loading, and Other Services

Car Parking Provision

121. 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
Residential aged care facility beds	133 bedrooms	0.25 spaces to each lodging room	33 spaces	65

122. The statutory car parking requirements for the proposal are met and are exceeded. This will ensure adequate spaces are provided for staff and visitor parking.

Layout, Access & Traffic

123. The proposed access and car parking layout has been assessed against and is generally compliant with the design standards of Clause 52.06-9.

124. Easy drop off and pick up facilities, as well as easy access for emergency vehicles, are an important component of the access strategy for an aged care facility. The proposed access strategy, and in particular the proposal to locate the porte cochere as well as the basement entry along Witt Street, is acceptable for the following reasons:

- The proposal will result in a net decrease in total vehicle entry points along the Witt Street frontage.
- Further space is required to accommodate a porte cochere and accordingly the 123m along Witt Street, compared with the 49m frontage along the Whitehorse Road service road is the most appropriate.
- The location of the porte cochere and basement access is most appropriate when consider the topography of the site and the challenges that presents along the northern/Whitehorse Road frontage, and to ensure tree removal because of the access works is limited.
- The submitted traffic engineering advice demonstrates the design of the access ways are dimensioned appropriately with sufficient sightline provided to ensure the safe egress and access.
- The submitted traffic engineering advice indicates the traffic volumes anticipated for the proposed development will remain well within the acceptable capacity for an "Access Street Level 2" street designation. Additionally, the greater traffic generation will during staff changeover periods, which are generally outside of typical peak traffic hours and these traffic movements will occur to and from the basement, not the porte cochere.
- Alternative locations were explored, including positioning the porte cochere on north-western boundary, and this alternative position would result in potential conflicts with the intersection.
- The proposal to locate access points on the side street as opposed to the principal road network aligns with Clause 18.02-4s strategies which seek limit access points to principal road networks.

125. The submitted Traffic Impact Assessment, prepared by OneMileGrid, demonstrates that given the low volumes of traffic expected to be generated by the proposed use, the development will have negligible impact on the surrounding road network. Notably, the peak traffic generation period for an aged care facility typically occurs when there is a staff changeover, which for this facility is indicated to occur at 3pm. This does not coincide with typical commuter peak periods and overall, the anticipated traffic movements to and from the site will be low.

126. Additionally, the site is well serviced by public transport, given the immediate proximity to Heatherton Station, which will encourage visitors and staff to utilise sustainable methods of transport.

127. 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 52.06-10 (Car Parking).



Bicycle Facilities

128. There is no requirement for bicycle parking specified for an aged care facility in Clause 52.34-1 of the Whitehorse Planning Scheme. Accordingly, no bicycle parking spaces are provided and none are recommended to be secured by condition.

Loading / Unloading

129. Clause 65.01 requires the consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety implications.
130. The proposal is anticipated to have low loading/unloading demands based on the activities proposed onsite. A dedicated loading/delivery and waste collection area is provided within the basement level, which will allow for efficient access for delivery vehicles to enter and exit the site in a forward direction and without impact to residents and the road network. This has been demonstrated in the submitted swept path diagrams contained in the TIA. This is supported and is recommended to be further secured by conditions.

Waste

131. A waste management plan has been provided which outlines the proposed waste storage and collection facilities in 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 private waste collection and will occur within the basement. The proposed waste management plan, prepared by One Mile Grid, is recommended to be secured by condition.

Public Benefits

Affordable Housing

132. 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.
133. The application is supported an Affordable Housing Submission which outlines the applicants regarding an affordable housing contribution. The submission is an application requirement of Clause 53.23 and to qualify for the Clause 53.23 pathway, a 10% affordable housing contribution or an alternative contribution must be provided. This will be secured by the mandatory permit condition specified at Clause 53.23-4, which requires a Section 173 Agreement to be entered into for the provision of an affordable housing contribution.
134. A bespoke Section 173 Agreement has been negotiated which will secure the provision of affordable housing accommodation to eligible low means residents on the site until such time the affordable housing contribution equivalent to 3% of the total development cost is reached. If the total amount has not been accounted for within 5 years from occupation, the outstanding balance will be required to be paid to the Social Housing Growth Fund.
135. The proposed contribution, along with the inherent benefits that come with an increase in the supply of aged care accommodation in such a well serviced location, is welcomed and is responsive to the purpose of Clause 53.23 and the strategies of Clause 16.01-2S (Housing Affordability) and Clause 16.01-5S (Residential Aged Care Facilities).

Other Matters

Development Contributions Plan Overlay, Schedule 1

136. Schedule 1 to the DCPO identifies the site within the Mitcham (5) precinct of the Whitehorse Development Contributions Plan December 2023. It also sets out charge rates based on additional dwellings and commercial floor space.

- 
137. The permit applicant contends that the proposal is not for a dwelling, nor is it retail/commercial space and accordingly the development contribution requirement is not applicable.
138. The council advised in their comments that the 'notes' in section 2.0 of the DCP01 and that the Development Infrastructure Levy (DIL) is likely to apply to the proposal and if not classified as 'residential', the default 'commercial' contribution will apply. The relevant note is passed below:
- 'For development that does not fall within one of the four development types, the development contribution that applies to Commercial development will apply in default unless the Collecting Agency agrees in writing to a different development type.'*
139. There is also not a specifically applicable exemption for the proposal in the notes section of the overlay.
140. Accordingly, conditions relating to the payment of the DIL are recommended to be included on the permit but with a degree of flexibility built in, should the permit applicant reach agreement separately with the council (the collecting agency) over the type of levy that applies.

Environmental Audit Overlay

141. Pursuant to 45.03-1, before a sensitive use commences (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use)
- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
 - An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
 - A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.
142. A PRSA, prepared by Environmental Earth Sciences, Version 1, dated 28 February 2025, includes a preliminary risk statement which confirms the site is suitable for the proposed residential use. Therefore, the requirements of the EAO are met and an audit is not required.



143. It is **recommended** that Planning Permit No. PA2604266 for the development of the land for a residential aged care facility and the associated display of signage (including illuminated signage), removal of native vegetation and canopy trees, be issued, subject to conditions.
144. It is **recommended** that the applicant, the council and all objectors 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:

Title:

Phone:

Signed:

Dated:

18 June 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**.

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Name:

Title:

Phone:

Signed:

Dated:

24 June 2026

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

Clause 53.17 (Residential Aged Care Facility) Development Requirements	Assessment
Building height (mandatory) <i>In the General Residential Zone, the maximum building height must not exceed 16 metres.</i>	Complies The building is proposed to be constructed to a maximum height of 12.82m and is therefore compliant with the height requirement of Clause 53.17.
Street Setback (can be varied) <i>The walls of buildings should be set back from street the distance specified in the table. In this instance, the applicable requirement is 'the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.'</i>	Variation proposed The building is proposed to be setback between 5.545m and 9.635m from Whitehorse Road. While the minimum setback is less than 9m street setback requirement prescribed by Clause 53.17, the front setback is acceptable because the setbacks align with and generally exceed the setbacks of the building recently demolished on the site. Additionally, the proposed setbacks to Whitehorse Road are acceptable because the setbacks enable the retention of existing trees and planting of new vegetation generally align with the average setback of properties within the street (approx. 7.5m). The same applies to the street setbacks proposed to Witt Street, which are to vary from 8.076m up to 16.045m. The proposed setbacks exceed the setbacks of the adjoining property at 1-5/7 Tennyson Street and the previous street setbacks of the building recently demolished on the site.
Side and rear setbacks (can be varied) <i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries by 1metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i> <i>Screens, sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</i> <i>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</i>	Complies The building is designed with varied setbacks to the southern and eastern boundaries, with the building setback further at the upper level. The proposed building setbacks fully comply with Clause 53.17 setback requirements which are demonstrated in the submitted section diagrams.
Walls on boundaries (can be varied) <i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</i> 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or - Where there are existing or simultaneously constructed walls or carports abutting the	Complies / Not applicable The proposal does not include any walls on boundary.



boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports;

whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Daylight to existing windows (can be varied)

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.

The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.

The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Complies

The building is proposed to be setback between 4.5m to 6.3m from adjoining residential properties at a minimum at ground level. The proposed setbacks exceed the requirement will not compromise daylight access to existing windows on adjoining properties.

North-facing windows (can be varied)

If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Complies

There are two north-facing windows within 3 metres of the site at 1-5/7 Tennyson Street. The proposed development is not located directly opposite these windows, but where it is within 3 metres east of these windows, the proposed building setbacks comply with the north-facing window setback requirements. This is further demonstrated in the submitted section diagrams.

Overshadowing open space (can be varied)

Where sunlight to the secluded private open space of an

Complies

The proposed development has been designed to minimise overshadowing to secluded private open space areas of adjoining



existing dwelling or small second dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Overshadowing solar energy systems (can be varied)

Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Overlooking (can be varied)

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- **Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.**
- **Have sill heights of at least 1.2 metres above floor level.**
- **Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level.**
- **Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent.**

Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

properties and the recessive upper-level setbacks, particularly to the site's southern and eastern interfaces.

The shadow diagrams from the hours of 9am to 3pm on the September Equinox, generally demonstrate that shadows from the development, will fall within the site, within existing shadows cast by fences or structures on adjoining properties or over the adjacent driveway associated with 5A and 5B Tennyson Street, Mitcham. The exception to this is some additional overshadowing to the SPOS areas of 4 and 6 Buxton Road to the east of the site at 3pm. However, the extent of overshadowing complies with the development requirements of Clause 53.17.

Complies

The shadow diagrams also demonstrate that the development will not overshadow solar energy facilities on adjoining properties.

Complies

The terraces and habitable room windows within 9m of adjoining secluded private open space or habitable room windows on adjoining properties, are proposed to be screened by 1.2m frosted/obscure glass, solid balustrades or maximum 25% transparent high balustrades, or windowsill heights 1.2m above the finished floor level.

This is evidenced clear notations and dimensions on the proposed floor plans and elevation plans. The proposal is therefore acceptable in regard to overlooking impacts.



- **Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.**
- **Permanent, fixed and durable.**
- **Designed and coloured to blend in with the development.**

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Noise impacts (can be varied)

Noise sources, such as mechanical plant, should not be located near bedroom of immediately adjacent existing dwellings or small second dwellings.

Complies

Mechanical plant is positioned on the roof level away from adjoining properties and bedrooms. It is proposed to be acoustically screened. Services, including loading, is proposed within the basement level. This will ensure operational noise is suitably contained within the building.

Daylight to new windows (can be varied)

A window in a habitable room should be located to face:

- ***An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or***
- ***A verandah provided it is open for at least one third of its perimeter, or***
- ***A carport provided it has two or more open sides and is open for at least one third of its perimeter.***

Complies

All windows within the development are located to have at least 1 metre clear to the sky and for majority of windows, the setbacks provided exceed this requirement. Many of the bedrooms are proposed to contain terraces, with screening to the outside edge of the terrace as opposed to the windows of lodging rooms, further enhancing daylight access and amenity for future residents.

Site coverage

The site area covered by buildings should not exceed 80 percent.

Complies

The proposed site coverage is 60 percent of the total site area – or 3902 sqm.

Access (Can be varied)

Access ways should be design to:

- ***Provide direct access to on-site designated areas for car and bicycle parking.***
- ***Provide direct access to the building for emergency vehicles.***
- ***Provide access for service and delivery vehicles to on-site loading bays and storage areas.***
- ***Ensure vehicles can enter and exit a development in a forward direction.***
- ***Provided a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.***

Complies

Direct access to car parking via a new crossover and ramp to a basement level parking area. The proposed carriageway width is sufficient.

A porte cochere is also proposed which will facilitate easy drop off/pick up facilities for residents and which is also capable of accommodating emergency vehicles.

On site loading and storage is proposed within the basement level. The proposed access arrangements are acceptable.

Further discussion of access arrangement detailed in the assessment section of this report.



- *The number 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.*

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.

Building Entry (Can be varied)

The main pedestrian entry to a building should:

- *Have convenient access from a street.*
- *Be sheltered from the weather.*
- *Have convenient access from on-site car parking.*

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.

Communal Open Space (Can be varied)

Accessible and useable communal open space should be provided for residents and staff.

Front fence (Can be varied)

A front fence within 3 metres of a street (excluding streets in a Transport Zone 2) should not exceed 1.5 metres in height.

Complies.

The pedestrian entry is easily identifiable from Witt Street and contains a degree of appropriate weather protection.

The porte cochere is provided as a suitable drop off and pick up area for residents and a disabled parking bay is provided within the basement level. The entry from the within the basement level is also conveniently located.

Complies

The proposal includes communal spaces both internal and external to the building. These include a communal lounges and dining spaces, activity spaces and other specialised facilities such as a salon, theatre and café. Externally, multiple courtyard/gardens are proposed, along with shared terraces. The overall communal facility offering is generous and will positively contribute to the amenity of future residents and staff.

Variation proposed

Part of the frontage to both street interfaces is proposed to be unfenced and part is proposed to be fenced with a 1.8m high metal blade fence.

The fence height is proposed for resident safety purposes and to fence in private open space areas. Views of the front garden will still be facilitated due to the transparent design and is therefore acceptable.

Appendix B: Council Response



Matters raised in council's submission	Assessment
Clause 52.17 – Remnant Native Vegetation: The issues raised as part of the pre-application advice (PPAREF-645) to DTP on 27 October 2025 have largely been ignored with almost no changes to the proposal made. Section 4 and Attachment A2 the submitted planning report indicates that the native vegetation framework has been met with the retention of 18 trees and replacement planting of 44 trees, yet ignored the first most important step principal to avoid the loss of native vegetation. The previous advice made it clear that the last remaining remnant native vegetation onsite can be avoided given their relative location on the fringes of the site. Recommendations included relocating the Porte cochere to the northern corner of the site (entering site from the Whitehorse Road service lane and exiting via Witts Street, around Tree 20. This location would be sufficiently away from the more sensitive reaches of the residential hinterland in Witt Street and beyond. The recommendations have been ignored. The fact that a number of the existing trees have up to 4 layers of strategic policy protection (Clause 52.17 & 52.37, SLO9 and the VPO) indicates that there must be a very good reason why the removal of any protected tree on site can't be avoided. 'tree removal' should be the last possible remaining option when preparing the design response. Previously recommendations included modifying the minimal street setbacks to Witt Street through greater building footprint articulation to avoid or minimise NRZ and SRZ encroachment and maximise tree retention. Unfortunately, the latest iteration of the proposal has demonstrated that this issued raised in the past, have not been given due regard. The supporting reports indicate that some the significant trees are declining in health to rationalise their proposed removal. Whilst this is true for one or two of the trees, as demonstrated by the photos provided below, most trees remain healthy, and continue to significantly contribute to the wider landscape and habitat corridor from a landscape and environment perspective.	Between the pre-application phase and submission of the application, the proposal was updated to include the removal of trees 11, 12 and 20 as a permit trigger under Clause 52.17. This is despite advice from the project team that these trees are likely planted. The project arborist noted that they do not have the documentation to 100% confirm this, hence the updates to the proposal and reasons for a permit is required. The suggestion for the porte cochere to be placed in the northern corner of the site has been explored by the applicant and also considered by DTP. This option is not the most appropriate because: • Tree 20 is in declining health. • The suggested porte cochere would potentially result in new impacts to the group of trees in the north-western corner of the site which are in good health. • Traffic engineering advice indicates that positioning an exit so close to the intersection is not a preferable outcome. • The proposal to locate access points on the side street as opposed to the principal road network aligns with Clause 18.02-4s strategies which seek limit access points to principal road networks. The street setbacks to Witt Street are not the cause of the proposed tree removal. The tree removal is largely required to facilitate the proposed access arrangements. For the reasons for outlined in the assessment section of this report, the tree removal is acceptable.
Along with the mature canopy trees adjacent to the east boundary, Trees 9 to 19 can play a significant role in alleviating dominant continuous bulky building mass that the proposal provides to the sensitive low rise residential hinterland. This should be treated as an opportunity, not a constraint of the site. This previously raised issue has also been ignored by the current iteration of the proposal.	The retained trees, of which there are 18, will play a significant role in filtering views of and softening the appearance of the proposed development. For the reasons outlined in this report, DTP does not consider the building mass to be bulky or dominant. Additionally, and notwithstanding this, the council are reminded that the built form expectations for an aged care facility are different to a standard residential development.
An ecologist report has still yet to be submitted to demonstrate that the native vegetation framework has been satisfactorily met including making the avoidance of native vegetation loss a top priority. Officers consider that the native vegetation of the Whitehorse Planning Scheme, including Clause 52.17, has not been met. The views of DELWP/DECCA should be requested and given genuine consideration	The proposed native vegetation removal falls within the basic assessment pathway and a referral to DEECA is not required. To support the application, an NVRP report, Offset report, and Arboricultural Impact Assessment has been provided. In this instance and given no patches of native vegetation are proposed to be removed, the submission of an ecology report is not required.
Street Trees: Please be aware that any proposed works (crossovers etc)	Conditions are recommended to be included on the planning permit regarding street trees, generally as suggested within



that come within proximity to any street tree, will require the consent of Council's Asset Engineering Department, and Parks and Naturel Environment arborist. There appears to be a number of street trees close to the proposed crossovers on Witt Street that require attention.

Street setback:

The proposed 5.5 minimum street setback to Whitehorse Road is not accurately reflected in the NSDP and DR plans, and is not supported by the prevailing street setback of at least 7.15 metres.

Built Form:

The spread and scale of the continuous 3 storey built form, has not given adequate due regard to the sensitive residential streetscape of Witt Street deep within the bush-suburban preferred character residential hinterland. The building will be a dominant built form that will be at odds with the surrounding bush suburban preferred character. A different response to 4 key elements will however change this outcome as follows:

- The central longitudinal element of the proposed building is relocated eastwards, shortening the eastern wings by 30% to 50%.
- The western façade to Witt Street is provided with articulated building wings like the eastern façade, which will visually break the continuous form of the building. It will significantly improve façade depth, and visually reduce the extent and width of prominent elements that will present to the street.
- Relocate the porte-cochere to the northern elevation of the building.
- Parts i, ii, and iii will create opportunity to enable a greater degree of protection to the (a) existing landscaping screen along the Witt Street interface to alleviate dominant building massing, and built and (b), to the existing established onsite vegetation. The building presentation will achieve a better site fit amongst a more dominant landscape setting.
- The Witt Street setback is limited. It is likely that the vegetation proposed to be retained particularly to the Witt Street streetscape, will be structurally compromised by the major encroachment of the proposed development footprint. While hipped roofing, materiality, and other elements have been employed to provide a relationship and connection with the surrounding residential area, the proposed and existing landscape screen cannot be relied upon to alleviate bulky built form massing to Witt Street.

The use of convex mirrors and/or a signalised 'stop – go' system at the top and bottom of the basement ramp, should be provided to 'fill the gap' to enable compliant sightlines to vehicles and pedestrians accordingly, and avoid traffic safety incidents occurring.

While it is likely to be the case, it is not clear whether the ceiling height of the porte-cochere has the minimum 4 metre high headroom clearance for emergency vehicles (ambulances etc) as required in the relevant building regulations.

- Despite what is notated on the plans, a section of the access south of the Porte cochere is not 4.5 metres wide when scaled,

council's draft conditions.

For the reasons outlined in this assessment section of this report and at Appendix A, the proposed setbacks are acceptable.

Noted and not agreed.

For the reasons outlined in the assessment section of this report, the proposed height, massing and design of the development is deemed acceptable.

Council has consistently referred to the 'sensitive streetscape of Witt Street'. DTP notes the residential dwellings located opposite the site along Witt Street all face alternative streets, with side fences and vehicle entries facing the subject site. Therefore, the immediate streetscape context is not as sensitive as described. Notwithstanding this, the bushland suburban character has been considered in detail and for the reasons outlined in this report, the proposal is acceptable.

The Traffic Impact Assessment prepared by onemilegrid, details that the necessary provision is made for ambulances to enter and exit the porte-cochere.

This is consistent with the response that was provided the project architect, VIA:

'The current height is 3.5m clearance which is in accordance with Arcare typical practice for their many facilities in operation all around the country. This allows for ambulance access but not fire trucks, which is appropriate design as fire trucks do not need to enter the Porte-cochere and will be positioned to suit a fire event. Additional height in the Porte-cochere limits its effectiveness in



which will not enable vehicles to pass each other, especially in the event of an emergency. Any proposed vehicular crossovers require consent from Council's Asset Engineering Department.	<i>protecting from wind-blown rain, requiring compensatory overscale of the structure to provide functional coverage.'</i> DTP are advised the Building Code of Australia calls for 4m clearance for fire truck access to booster valves, these are not located within the Porte-cochere. Adequate clearance is provided for ambulances.
Pedestrian Access - The full pathway of the pedestrian access that wraps around the entire building is not universally accessible, with steps provided intermittently throughout. - There is no DDA access ramp to the main entry of the building, or secondary emergency access footpath to any street frontage to any patron / resident residing onsite, which is significant issue just waiting to happen.	The applicable planning controls do not require universally accessible pathways. The site topography limits the ability to provide accessible pathways and accordingly steps are provided. Notwithstanding this, a condition is recommended to be included on the permit to require an accessible route via the Porte cochere to be defined on the plans.
Signage: The nature and degree of signage is rationalised for the intended use. However, further massaging of the signage is required to achieve an acceptable response to the residential context of the site, and the extent, scale, and degree of illumination for signage, should be limited only to what is absolutely necessary within Witt Street in particular through the following: - Signage to be predominantly non-illuminated within the Witt Street setback. - Relocate the Porte-cochere to the Whitehorse Road where larger illuminated signage is necessary for commercial vehicles, especially in emergencies. This will noticeably limit the proliferation of signage within the Witt Street streetscape.	For the reasons outlined in the assessment section of this report, the proposed signage is acceptable, subject to conditions. The conditions require the illuminated sign, located closest to an adjoining residential property to be turned off between 11pm and 6am each night.
Noise - The Porte cochere for pool vehicles, commercial vehicles (including emergency vehicles) at all hours of the day and night, and the basement access (including waste vehicles), all from deep within the Witt Street residential streetscape, will likely disrupt the ambience of the residential hinterland. - The roof plant is located within the southern reaches of the roofscape, close to abutting and nearby residential properties, which will likely be a similar adverse impact on the surrounding residential amenity, given its scale, location and degree of elevation. - The proposal must meet all applicable and relevant EPA regulations. - Previous advice given to resolve this issue was to relocate the porte-cochere to the northern portion of the site, and relocate the roof plant within the northern reaches of the roofscape, which can be drowned out by the Whitehorse Road high traffic generation levels.	The use does not require planning permission. Notwithstanding this, it is noted the loading is to occur entirely onsite within the basement. DTP does not agree the 'residential hinterland' is going to be unreasonably disturbed and further note the area is arguably already disturbed by the train line and the Maroondah Highway directly opposite the site. The porte cochere is not going to have a noticeable impact. The roof plant is sufficiently setback from adjoining properties and is proposed to be acoustically screened. The development is subject to standard EPA noise regulations for residential development



• This previous advice has been ignored	
The planning report indicates that as the proposal is not of a commercial or retail nature, and that no dwellings are proposed, that the requirements of the DCP01 are not applicable. Please note under 'notes' in Section 2.0 of the DCP01: <i>For development that does not fall within one of the four development types, the development contribution that applies to Commercial development will apply in default unless the Collecting Agency agrees in writing to a different development type.</i> On this basis, the Development Infrastructure Levy (DIL) is likely to apply to the proposal and if not classified as 'residential', the default 'commercial' contribution will apply	This is noted and conditions regarding the contributions as recommended by the council are to be included on the permit.

Council recommended conditions (should a permit be issued):

Matters raised in public submissions		Assessment
1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority in a digital format. Once approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, with dimensions, but modified to show:	a) <i>Ventilation and daylight access provided to basement habitable rooms where possible.</i>	Not adopted. Mechanical ventilation is provided.
	b) <i>All east habitable room facing windows must not overlook private open space areas and/or habitable room windows of any east abutting residential property.</i>	Not adopted. The proposal complies with Clause 53.17 requirements in regard to overlooking.
	c) <i>At least one footpath to and from each street frontage that is DDA accessible (no steps).</i>	Not adopted. There is not a specific requirement in the planning scheme for this. An alternative condition is recommended which secures an informal accessible pathway via the porte cochere.
	d) <i>The eastern façade external footpath to be constructed of permeable concrete, with no or minimal retaining walls within the TPZ of any tree being retained.</i>	Partially adopted. A condition is recommended to require permeable surfaces within the TPZ of trees retained.
	e) <i>All signage within the Witt Street must not be internally illuminated. The directional</i>	Not adopted. A condition is instead recommended to require



	<i>signage for emergency vehicles can be externally flood lit. For any flood lit signage, details of how light intensity will be appropriately baffled to the surrounding residential area, to be provided.</i>	one of the signs to be turned off at night. Refer to the assessment section of this report.
	<i>f) Ground floor terraces narrowed where adjacent to a tree being retained, and/or within the setback to Witt Street.</i>	Not adopted. The extent of encroachment is supported by detailed root investigation work and is acceptable.
	<i>g) Service boxes relocated to the basement where possible. Otherwise, service boxes to be located outside the TPZ of trees being retained, where possible.</i>	Not adopted. Service boxes are located outside of TPZs.
	<i>h) The porte cochere roof canopy with a minimum height clearance of 4 metres.</i>	Not adopted. Refer to commentary in the table above.
	<i>i) The substation kiosk in a white or black hatching on the development plans, to clearly delineate from the proposed landscape treatment.</i>	Not adopted. The substation is clearly shown. However, further detail on its presentation and materials is recommended to be secured.
	<i>j) Plant relocate northwards within the northern third of the proposed building's roofscape, with vertical acoustic screening provided, and positioned to minimise its visual impact to Whitehorse Road and the abutting residential properties.</i>	Not adopted. The position of the roof level services is supported and acoustic screening is proposed.
	<i>k) The southern access of the porte-cochere relocated further south to abut the TPZ of Tree 15. Along with a reduction to the earthworks, this condition anticipates a noticeable reduction to the TPZ encroachment of Trees T17, T18 and T19.</i>	Not adopted. Refer to assessment of the porte cochere location provided throughout this report.
	<i>l) The northern access and crossover of the porte cochere, and the main entry footpath, both relocated further north in between the TPZ of Trees T20 and T21. This access should abut the southern edge of the Tree 21 TPZ (with the entry footpath on the south side of the vehicular access). There should not be any encroachment into the Tree 20</i>	Not adopted. Refer to assessment of the porte cochere location provided throughout this report.



	SRZ. This condition anticipated a strong reduction of TPZ encroachment for Tree 20.	
	m) The encroachment of all proposed buildings and works must not exceed (a) 15% of the Tree Protection Zone (TPZ) and (b), 0% of the structural root zone (SRZ), of any trees marked for retention accordingly.	Not adopted. The level of TPZ encroachment of all trees to be retained on site is reducing in all cases as a result of this proposed development, when compared to the level of encroachment of the former development. Some encroachments remain greater than 15%, but are still representative of a reduction in the level of encroachment. A detailed hydro excavation analysis of the presence of roots within sensitive locations is provided within the accompanying Arboricultural Impact Assessment prepared by Sustainable Tree Management. This has provided suitable information to support the levels of encroachment proposed.
	n) An amended landscape plan in accordance with Condition 3 of this permit;	Adopted in part where applicable.
	o) Tree Protection Measures specified in Condition 6, must be demonstrated on the plans.	
	p) A Tree Protection Management Plan (TPMP) in accordance with Condition 5 of this permit.	
	q) Any recommendations of the Sustainable Management Plan as required by Condition 13, to be demonstrated on plans.	
	r) A Car Parking Management Plan in accordance with Condition 10.	
	s) An amended Sustainable Management Plan in accordance with Condition 13.	
	t) An amended Waste Management Plan in accordance with Condition 14.	
	u) A lighting strategy in accordance with Condition 15.	
2. The development as shown on the endorsed plans must not be altered (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.		Adopted.
3. Prior to endorsement of the Condition 1 plans, an updated landscape plan (LP) must be submitted to and endorsed by the Responsible Authority. Once endorsed this plan shall form part of this permit. This amended landscape plan must be generally in accordance with the landscape plan prepared by ACLA Consultants, dated 7 April 2022, but modified to show:		Adopted with DTP standard wording and additional changes.



i. Any changes required by Condition 1. <i>Landscaping in accordance with this approved plan and schedule must be completed before the development is occupied. Once approved these plans become the endorsed plans of this permit.</i>	
4. Prior to the commencement of the development, a Landscaping Maintenance Plan must be prepared by a suitably qualified consultant must be submitted for approval to the satisfaction of the Responsible Authority. The landscaping maintenance plan must include, but is not limited to: a) Details of the ongoing maintenance procedures to ensure that the garden areas and all plants remain healthy and well maintained to the satisfaction of the Responsible Authority. This must include: i. Irrigation frequency and delivery method. ii. Drainage. iii. Pruning and mulching. iv. Maintenance period of 12 months. v. Any dead or dying plant species detailed in the landscape plan detailed in Condition 3 of this permit to be replaced with similar plant species as necessary to the satisfaction of the Responsible Authority. Once approved this plan will become part of the endorsed plans of this permit.	Not adopted. Maintenance details will be secured in the landscape plan instead.
5. A Tree Protection Management Plan (TPMP) written in accordance with AS4970-2009 must be submitted to Council prior to the commencement of all buildings and works. The report must detail how all retained trees on and adjoining the subject site that are mentioned in the Arborist Report prepared by Brendan Pike & Luke Sturgess Arboricultural Consultants, Sustainable Tree Management Pty Ltd, dated 26 June 2025 will be protected pre, during and post construction, and must be to the satisfaction of the Responsible Authority (RA) and written by a qualified arborist with a minimum Diploma in Horticulture (Arboriculture).	Adopted with DTP standard wording, reference to correct plans and additional changes + incorporation the tree protection requirements referred to in the subsequent conditions.
6. Prior to the commencement of any building and or demolition works on the land, a Tree Protection Zone (TPZ) must be established on the subject site and maintained during and until completion of all buildings and works including landscaping, around the following trees protected under the Planning Scheme, in accordance with the distances and measures specified below, to the satisfaction of the Responsible Authority: Tree Protection Zone distances as referenced in the arborist report prepared by Greenwood Consulting, dated 8 July 2020: a) Tree 1 (Eucalyptus Gonicalyx) – 6.0 metre radius from the centre of the tree base. b) Tree 2 (Eucalyptus Gonicalyx) – 7.2 metre radius from the centre of the tree base. c) Tree 3 (Eucalyptus Gonicalyx) – 7.6 metre radius from the centre of the tree base. d) Tree 4 (Eucalyptus Radiata) – 4.7 metre radius from the centre	Not adopted as a separate condition. These requirements are generally required to be provided within the TPMP instead, referred to above. Outlining the TPZ radius is not required as this is already contained in the report that will be required for endorsement.



of the tree base.

- e) Tree 5 (Eucalyptus Radiata) – 10.2 metre radius from the centre of the tree base.*
- f) Tree 6 (Eucalyptus Gonicalyx) – 8.4 metre radius from the centre of the tree base.*
- g) Tree 7 (Eucalyptus Gonicalyx) – 7.6 metre radius from the centre of the tree base.*
- h) Tree 8 (Eucalyptus Radiata) – 7.2 metre radius from the centre of the tree base.*
- i) Tree 9 (Eucalyptus Radiata) – 5.6 metre radius from the centre of the tree base.*
- j) Tree 10 (Eucalyptus Obliqua) – 7.6 metre radius from the centre of the tree base.*
- k) Tree 13 (Eucalyptus Gonicalyx) – 2.5 metre radius from the centre of the tree base.*
- l) Tree 14 (Eucalyptus Obliqua) – 9.6 metre radius from the centre of the tree base.*
- m) Tree 15 (Eucalyptus Gonicalyx) – 8.5 metre radius from the centre of the tree base.*
- n) Tree 17 (Eucalyptus Radiata) – 5.3 metre radius from the centre of the tree base.*
- o) Tree 18 (Eucalyptus Obliqua) – 4.9 metre radius from the centre of the tree base.*
- p) Tree 19 (Eucalyptus Radiata) – 3.6 metre radius from the centre of the tree base.*
- q) Tree 20 (Eucalyptus Obliqua) – 7.9 metre radius from the centre of the tree base.*
- r) Tree 21 (Eucalyptus Radiata) – 7.9 metre radius from the centre of the tree base.*
- s) Tree 22 (Eucalyptus Radiata) – 10.0 metre radius from the centre of the tree base.*

Tree Protection Zone measures are to be established in accordance with the TMP required by Condition 4, including compliance with Australian Standard 4970-2009, and the following items:

- a) Erection of solid chain mesh or similar type fencing at a minimum height of 1.8 metres held in place with concrete feet.*
- b) Signage placed around the outer edge of perimeter fencing identifying the area as a TPZ. The signage should be visible from within the development, with the lettering complying with AS 1319.*
- c) Mulch across the surface of the TPZ to a depth of 100mm and undertake supplementary watering in summer months as required.*
- d) No excavation, constructions works or activities, grade changes, surface treatments or storage of materials of any kind are permitted within the TPZ unless otherwise approved within this permit or further approved in writing by the Responsible Authority.*
- e) All supports, and bracing should be outside the TPZ and any excavation for supports or bracing should avoid damaging*



roots where possible.

- f) **No trenching is allowed within the TPZ for the installation of utility services unless tree sensitive installation methods such as boring have been approved by the Responsible Authority.**
- g) **Where construction is approved within the TPZ, fencing and mulching should be placed at the outer point of the construction area.**
- h) **Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the above requirements at all other times.**

7. During the construction of any buildings or works, the following tree protection requirements must be carried out in accordance with the TPMP required by this permit, including but not limited to the following, to the satisfaction of the Responsible Authority:

- a) **A project arborist must be appointed by the applicant or builder. Any Qualifications must read 'Arboriculture' for example 'Diploma in Horticulture (Arboriculture)'. The project arborist must have a minimum Diploma qualification in arboriculture to be appointed as the project arborist.**
- b) **The Project Arborist must supervise all approved works (including site demolition) within the TPZs of all trees shown to be retained on the endorsed plans. Any root severance must be approved and undertaken by the Project Arborist using clean, sharp and sterilised tree root pruning equipment. There must be no root severance within the SRZ of any tree shown on the endorsed plans.**
- c) **The project arborist and builder must ensure that TPZ Fencing Conditions are being adhered to throughout the entire building process, including site demolition, levelling and landscape works.**
- d) **Any buildings and works (including retaining walls) that extend into the TPZ of any existing tree must be done by hand, hydro excavation or air spading under the supervision of an arborist. If any roots are encountered, the posts or works protruding into the ground must be relocated a minimum of 300mm from these roots.**

8. The garden and recreational areas must be available for use of residents, staff and visitors who use the approved facility.

9. The garden areas shown on the endorsed plan must only be used as gardens and must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of similar size and variety.

10. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- i. **A minimum of 65 on-site car spaces.**
- ii. **The inclusion of 'speed humps' and other traffic calming measures;**

Adopted in part with DTP standard wording and additional changes. Note majority of the recommended sub conditions request information that is not required and therefore have not been adopted.



- iii. *The proposed location of the 'wheel stops' within the car spaces should accord with AS2890.1, Table 2.1;*
- iv. *Details of way-finding, cleaning and security of the end of trip bicycle facilities;*
- v. *Policing and agreements,*
- vi. *Prevention of waste and vehicles damaging the building during collection times.*
- vii. *Detail any access controls to the parking area, such as boom gates as per section 3.4 of AS 2890.1.*
- viii. *Mechanisms such as a 'stop / go' signalised system, and /or convex mirrors, to provide adequate sightlines at the base and entry of the accessway ramp, to enable adequate sight lines to motorists. '*
- ix. *A schedule of all proposed signage including:*
 - a. *Directional arrows and signage, informative signs indicating location of accessible bays and bicycle parking;*
 - b. *Exits;*
 - c. *Restrictions;*
 - d. *Any other relevant signs; and*
 - e. *details regarding the management of loading and unloading of goods and materials.*

11. *The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

12. *The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways must be maintained to the satisfaction of the Responsible Authority.*

13. *Prior to the endorsement of Condition 1 plans, an amended SMP to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by Lincoln Pearce Pty Ltd, dated 5 June 2025, but modified to include, show or address:*

- a. *Consistency with all applicable Condition 1 requirements.*
- b. *Compliance with Clause 15.01-2L (Environmentally Sustainable Development).*

The requirements of the SMP must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

Adopted in part with DTP standard wording. The SMP is supported with no additional changes.



14. Prior to the endorsement of Condition 1 plans, an amended Waste Management Plan (WMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended WMP must be generally in accordance with the WMP prepared by One Mile Grid, dated 27 May 2025, but modified to include the following: a) Any changes required by Condition 1. b) a 1.5m² area for bulk/hard waste items. c) Private collection confirmed of all wastes generated on the site. d) A weekly collection cycle or otherwise agreed by the Responsible Authority. e) Collection to occur between the hours of 8:30am and 5pm on weekdays. f) The requirements of the Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement. The requirements and outcomes of the amended Waste Management Plan must be demonstrated on the plans and elevations submitted for endorsement. Once submitted to and approved by the Responsible Authority, the Waste Management Plan must form part of the documents endorsed as part of this planning permit. The requirements of the Waste Management Plan must be implemented by the building manager, owners	Adopted in part with DTP standard wording. The sub conditions are not supported. The WMP is supported with no additional changes. In this regard the following is noted: ○ Hard waste will be managed by the operational team on a case by case basis is not likely to occur frequently. ○ The waste collection is private. Therefore the collection cycle can be determined by the provider. ○ Stipulating collection times is unnecessary. The waste collection will all occur within the basement is not likely to have any off site impacts.
15. Before condition 1 plans are endorsed, a Lighting Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Lighting Strategy will be endorsed and will then form part of the permit. The Lighting Strategy must provide details of proposed lighting of Blackburn Road and Burwood Highway, and must be prepared in accordance with the Safer Design Guidelines for Victoria, Department of Sustainability and Environment, June 2005, to the satisfaction of the Responsible Authority. The lighting strategy must also include: a) Any changes required by the Condition 1 requirements. b) External lighting capable of illuminating access to each the basement ramp, pedestrian communal and public areas (includes pathways and onsite hardstand areas), at ground floor and podium roof levels. c) External light spill from external façade windows that face the public realm and the south residential interface. d) Internal light spill between towers, and in particular the south-facing glazing of Tower 1 to the sensitive residential interface of Tower 2 (including communal and private open space areas). Lighting must be located, directed and shielded and of limited intensity such that no unreasonable light or glare is emitted beyond the site to the satisfaction of the Responsible Authority. The lighting must also be maintained and operated	Not adopted. A lighting strategy is considered to be an unnecessary requirement for a development of this scale. Standard amenity conditions are recommended, including a lighting condition, which will suitably address concerns regarding light spill.



<i>in accordance with the endorsed Lighting Strategy and to the satisfaction of the Responsible Authority.</i>	
16. <i>Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.</i> 17. <i>The total area of native vegetation proposed to be removed totals 0.071 hectares, comprising 3 small scattered native vegetation.</i> 18. <i>To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.012 general habitat units:</i> a. <i>located within the Port Phillip and Westernport Catchment Management boundary or Responsible Authority municipal area,</i> b. <i>with a minimum strategic biodiversity score of at least 0.08.</i> 19. <i>Before any native vegetation is removed evidence that the required offset by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:</i> a. <i>an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or</i> b. <i>credit extract(s) allocated to the permit from the Native Vegetation Credit Register.</i> 20. <i>A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.</i> 21. <i>Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.</i> 22. <i>Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.</i> 23. <i>A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.</i>	Adopted in part. DTP's standard condition wording for basic assessment pathway 52.17 applications will be utilised. These are broadly consistent with council's recommendation.
16. <i>A Development Infrastructure Levy in accordance with the approved Development Contributions Plan which applies to the land must be paid to Whitehorse City Council as the Collecting Agency not more</i>	Adopted in part. The conditions are proposed to be tweaked to



<i>than 21 days prior to, the grant of a building permit under the Building Act, 1993 or the commencement of development of any buildings and works associated with the permitted development, whichever occurs first; or the Owner must enter into an agreement with Whitehorse City Council as the Collecting Agency to pay the Development Infrastructure Levy within a time specified in the agreement.</i> 17. A Community Infrastructure Levy must be paid to Whitehorse City Council as the Collecting Agency in accordance with the approved Development Contribution Plan which applies to the land prior to the issue of a building permit under the Building Act 1993; or the Owner must enter into an agreement with Whitehorse City Council as the Collecting Agency to pay the Community Infrastructure Levy within a time specified in the agreement.	include “unless otherwise agreed in writing by Whitehorse City Council”, given there is a difference in position between the permit applicant and council on whether the contributions are required. DTP’s assessment indicates there is not a clear exemption for the proposal, and the commercial rates would apply.
24. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by the Responsible Authority. <i>The Construction Management Plan must be prepared and managed by a suitably qualified person who is experienced in preparing Construction Management Plans in accordance with the City of Whitehorse Construction Management Plan Guidelines.</i> <i>When approved, the Construction Management Plan will be endorsed and will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the approved Construction Management Plan.</i> 25. The provisions, recommendations and requirements of the approved Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.	Adopted in part with DTP standard wording.
26. Prior to commencement, detailed stormwater drainage and/or civil design for the proposed development are to be prepared by a suitably qualified civil engineer and submitted to the Responsible Authority for approval prior to occupation of the development. Plans and calculations are to be submitted with the application with all levels to Australian Height Datum (AHD). All documentation is to be signed by the qualified civil engineer.	Adopted in part with DTP standard wording for stormwater management plan.
27. All stormwater drains and on-site detention systems are to be connected to the legal point of discharge to the satisfaction of the Responsible Authority prior to completion of the development herby approved. The requirement for on-site detention will be noted on your stormwater point of discharge report, or it might be required as part of the civil plans approval.	Addressed in the recommended SWMP condition.
28. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.	Adopted.
29. The Applicant/Owner is responsible to pay for all costs associated with reinstatement and/or alterations to Council or other Public	Included as a note.



<i>Authority assets as a result of the development. The Applicant/Owner is responsible to obtain all relevant permits and consents from Council at least 7 days prior to the commencement of any works on the land and is to obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets. Adequate protection is to be provided to Council's infrastructure prior to works commencing and during the construction process.</i>	
<i>30. Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, and based on the approved Traffic Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement conditions.</i>	Included as a note.
<i>31. The qualified civil engineer when undertaking civil design must ensure that the landscape plan/s and drainage plan/s are compatible. The stormwater drainage and on site detention system must be located outside the tree protection zone (TPZ) of any trees to be retained.</i>	Adopted.
<i>32. Existing street trees must not be removed or damaged except with the written consent of the Responsible Authority.</i>	Adopted.
<i>33. If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Park and Recreation Department prior to the commencement of works.</i>	Adopted.
<i>34. No more than 133 resident rooms are permitted for the use hereby approved, at any one time without further permission of the Responsible Authority.</i>	Not adopted. The use does not require planning permission. The number of resident rooms is shown on the plans and unless the proposal increases the rooms to the extent that car parking is no longer compliant, there should be an ability for the applicant to be able to make changes in future without having to undergo a full Section 72 Amendment process if deemed appropriate.
<i>35. No more than 133 residents are permitted for the use hereby approved, at any one time without further permission of the Responsible Authority.</i>	This is a double up.
<i>36. The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not affect the function of the surrounding road network.</i>	Adopted in part with DTP standard wording.
<i>37. Loading must occur only during the hours of 8:30am to 5pm, weekdays, to the satisfaction of the Responsible Authority.</i>	Not adopted. Loading will occur within the basement and is not likely to cause offsite amenity impacts. Additionally, permission is not required for the use.
<i>38. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view and thereafter be maintained to the satisfaction of the Responsible Authority.</i>	Adopted in part with DTP standard wording.



39. All drainage and road works, service relocations, signage, street lighting and all other costs associated with these works must be carried out before the development is completed at no cost to the Responsible Authority and to the satisfaction of the Responsible Authority.	Adopted in part with DTP standard wording.						
40. Before the development is complete, all building plant and equipment on the roofs, balcony areas, common areas, and public thoroughfares must be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of unreasonable noise having detrimental amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures and must be maintained to the satisfaction of the Responsible Authority.	Not adopted. Covered in part by other conditions and details are as per the plans.						
41. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent unreasonable noise to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.	Not adopted. Covered by noise attenuation conditions.						
42. Any alarms must be directly connected to a security service and must not produce noise beyond the premises.	Not adopted. This is unnecessary.						
43. Noise levels must not exceed the permissible noise levels stipulated in under the Environment Protection Act 2017 and the Environment Protection Regulations 2021, to the satisfaction of the Responsible Authority.	Adopted in part with DTP standard wording.						
44. Mechanical ventilation within the multi-level car park must operate in accordance with the requirements of Australian Standard 1668.2.	Not adopted. Not applicable.						
45. The location and details of the signs shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.	Adopted in part with DTP standard wording for signs plus additional changes.						
46. The advertising signs are to be constructed and maintained to the satisfaction of Responsible Authority. If the signs are in a state of disrepair they must, at the direction of the Responsible Authority, be removed from the site.	The luminance condition is not recommended to be included. Lighting is instead controlled by the amenity conditions.						
47. The signs must not contain any flashing light.							
48. All external lighting must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles so that no direct light or glare is emitted outside the site, to the satisfaction of the Responsible Authority							
49. Luminance Standard							
a) During the operation of the signs, the following maximum average luminance and Threshold Increment values must not be exceeded:							
<table><tr><td>Lighting condition</td><td>Max average luminance (cd/m²)</td><td>Max %</td></tr><tr><td>Full sun on face of signage</td><td>No limit</td><td>-</td></tr></table>	Lighting condition	Max average luminance (cd/m ²)	Max %	Full sun on face of signage	No limit	-	
Lighting condition	Max average luminance (cd/m ²)	Max %					
Full sun on face of signage	No limit	-					



Daytime luminance	6000	-
Morning and evening twilight, and overcast weather	700	-
Night time	350	20%

- **Note 1: Threshold increment as defined and calculated in AS4282**
- **Note 2: Twilight is defined as the period when the sun is below the horizon but light from the sun is still indirectly visible. When the sun is 18 degrees or more below the horizon the amount of visible light is very low, and this is defined as night time.**

50. This permission for signage expires fifteen years after the date it is issued.

51. The amenity of the area must not be detrimentally affected by the development hereby approved, including:

- The transport of materials, goods or commodities to or from land;**
- The appearance of any buildings, works or materials;**
- The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or**
- The presence of vermin;**

Adopted.

This permit will expire if one of the following circumstances applies:

- The development is not commenced within three (3) years from the date of issue of this permit;**
- The development is not completed within five (5) years from the date of this permit;**

The Responsible Authority may extend these periods if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Adopted.

Appendix C: Public Submissions



Matters raised in public submissions	Assessment
<i>The development will cause visual bulk and will appear out of character with the street.</i>	The proposed building height is compliant with Clause 53.17 and is acceptable for the reasons outlined in the assessment section of this report. Importantly, the building height requirements for aged care facilities are different to those for standard residential developments, as prescribed in Clause 53.17. The building is designed with compliant and in some areas generous setbacks and incorporates a mixture of materials along each elevation. The design detail will assist in limiting visual bulk impact.
<i>The access points and associated traffic generation will cause a safety issue given Witt Street is regularly used by pedestrians, school children and cyclists. The service access should be located on the Whitehorse Road frontage for this reason.</i>	The proposed access and egress strategy is supported and does not present any unreasonable safety risks. It is further noted the number of access points to the site are reduced as part of this proposal which is a positive in terms of the pedestrian environment. There are no clear traffic engineering reasons for the why the access strategy should not be supported. Further detail is contained in the assessment section of this report.
<i>The development will result in traffic impacts and queuing particularly during peak periods.</i>	The traffic generation impacts of the proposal are likely to have a negligible impact on the surrounding road network. This is further discussed in the assessment section of this report.
<i>The area already experienced difficult traffic conditions. To address the issue, would be to add a service road entry onto Whitehorse Road a little further down at the traffic lights. This would enable more traffic to enter Whitehorse Road safely and prevent the congestion that will only become worse once the Aged Care Facility is operational.</i>	The traffic generation impacts of the proposal are likely to have a negligible impact on the surrounding road network. This matter is further discussed in the assessment section of this report.
<i>Footpath kerb and channel must be reinstated on removal of any vehicle crossovers.</i>	This will be required by conditions and is standard practice.
<i>The development will result in noise impacts.</i>	Noise impacts will be suitably managed by the proposal to locate loading and waste collection in the basement and through acoustic screening to roof level services. Conditions of the permit will also suitably manage potential noise impacts.
<i>Impact during construction</i>	Temporary disruptions from construction are not a valid reason to refuse a planning permit application. To mitigate and manage impacts, a construction management plan is recommended to be secured by condition which will also be further regulated by other legislation under the Building Act and Environmental Protection Regulations.
<i>The developer must reinstate the footpath where crossovers are removed.</i>	This is secured by conditions and is standard practice. The vehicle crossover removal and construction will be to the satisfaction of council.