

Planning Assessment Officer Report

PA2604284 – 440-442
Station Street, Bonbeach



Planning Assessment Officer Report
Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details												
Application No:	PA2604284												
Received:	18 May 2026												
Applicant:	Arcare Pty Ltd												
Planning Scheme:	Kingston												
Land Address:	440-442 Station Street, Bonbeach												
Proposal:	Development of the land for a residential aged care facility, the associated display of signage (including illuminated signage) and the removal of two canopy trees, submitted via Clause 53.23 (Significant Residential Development with Affordable Housing).												
Development Value:	\$50,441,000 m												
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part of the Act where Clause 53.23 (Significant Residential Development with Affordable Housing) applies.												
Why is a permit required?	<table><thead><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr></thead><tbody><tr><td>Zone:</td><td>Clause 32.09-14 Neighbourhood Zone, Schedule 7</td><td>Residential <i>Construct a building or construct or carry out works for a residential aged care facility</i></td></tr><tr><td>Particular Provisions:</td><td>Clause 52.05 Signs</td><td><i>Construct or put up for display a sign in Section 2</i></td></tr><tr><td></td><td>Clause 52.37 Canopy Trees</td><td><i>Remove, destroy or lop a canopy tree</i></td></tr></tbody></table>	Clause	Control	Trigger	Zone:	Clause 32.09-14 Neighbourhood Zone, Schedule 7	Residential <i>Construct a building or construct or carry out works for a residential aged care facility</i>	Particular Provisions:	Clause 52.05 Signs	<i>Construct or put up for display a sign in Section 2</i>		Clause 52.37 Canopy Trees	<i>Remove, destroy or lop a canopy tree</i>
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	Clause 52.37 Canopy Trees	<i>Remove, destroy or lop a canopy tree</i>											
Cultural Heritage:	The site is in an identified in an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan was not required. Refer to assessment section of this report for further detail.												
Referral Authorities:	Kingston City Council (section 52(1)(b))												
Public Notice:	<p>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:</p> <ul style="list-style-type: none">Two signs displayed on site for at least 14 daysDirect mail notice to owners and occupiers of adjoining and surrounding properties. <p>2 objections have been received at the time of writing.</p>												
Delegates List:	Approval to determine under delegation received on 11 May 2026 .												



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

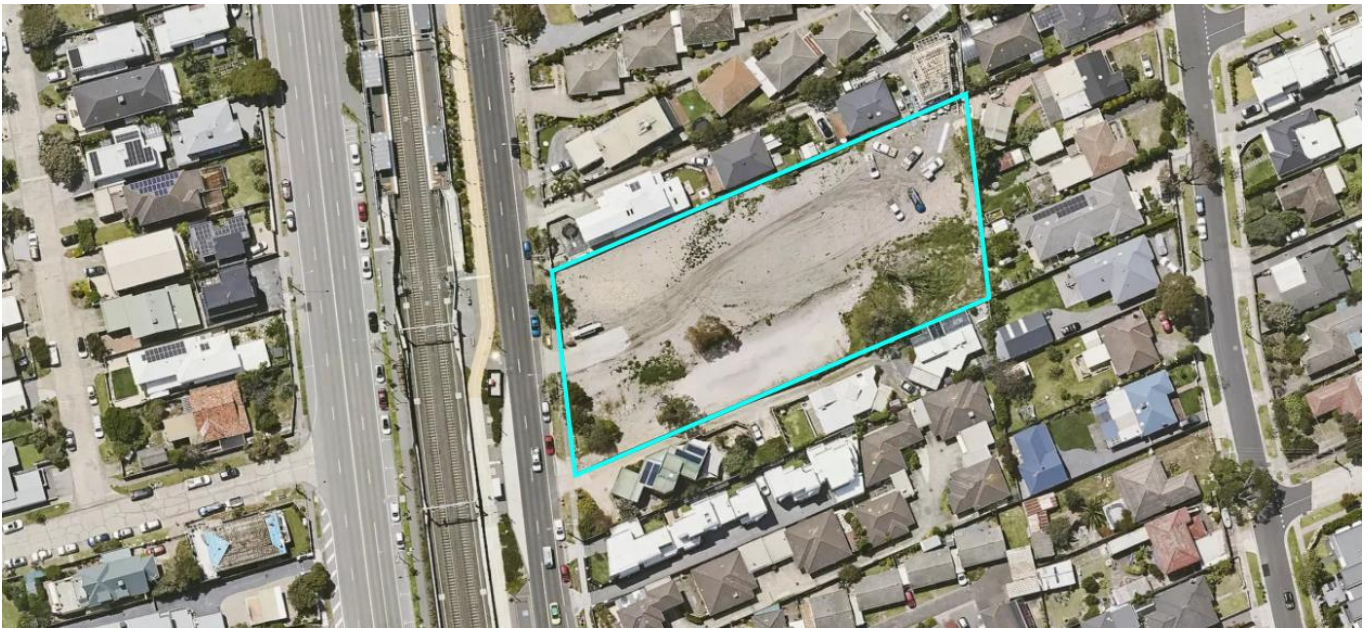
Milestone	Date
Application lodgement	18 March 2026
Further information requested	N/A
Public Notice	14 April 2026 to 28 April 2026
Decision Plans	Architectural Plans, prepared by VIA Architects, Rev TP6, dated 12/03/2026.
Other Assessment Documents	John Patrick Landscape Architects, Rev D, dated 17 March 2026 Design Report, prepared by VIA Architects, dated March 2026 SMP, prepared by BESTEC, Rev 03, dated 12 March 2026 Traffic Engineering Assessment, prepared by OneMileGrid, dated 24 February 2026 Waste Management Plan, prepared by OneMileGrid, dated 19 February 2026 Arboricultural Impact Assessment, prepared by Sustainable Tree Management, Version 3, dated 17 March 2026 Stormwater Management Plans, prepared by Lanigan Civil (3 sheets), Rev A, dated 10 June 2025 Housing report, prepared by Arcare, dated July 2025 QS Report, prepared by WT, dated 17 November 2025 Planning Report, prepared by Contour, dated March 2026 Survey Plan, prepared by Speedie Development Consultants, dated December 2024

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



Site Description

3. The subject site comprises two parcels of land being:
 - Lot 1 on Title Plan 858810 (440-441 Station Street, Bonbeach)
 - Lot 1 on Title Plan 107403U (442 Station Street, Bonbeach)
4. The subject site is located on the eastern side of Station Street, between Brixton Street to the north and Breeze Street to the south, in Bonbeach. The street frontage extends approximately 45m along Station Street and the site is approximately 100m deep, yielding a total site area of approximately 4,400sqm.
5. The topography of the site falls from the front to the rear, with relative levels between 5.84 metres to Australian Height Datum (AHD) in the middle of the front boundary and 3.600 metres to AHD in the northwest corner. This represents a notable fall of approximately 2.4 metres from the front to the rear of the site.
6. The site is currently vacant but was previously occupied by a residential aged care facility – Calvary, on 440-441 Station Street and a single-storey dwelling at 442 Station Street.
7. Neither allotment is affected by easements, covenants or restrictions.



Above: Aerial image of the subject site and surrounds.

Site Surrounds

8. The subject site is located within a residential area of Bonbeach in between the Chelsea Major Activity Centre (to the north) and the Carrum Neighbourhood Activity Centre (to the south). Built form is low scale (one- to two-storeys) and generally characterised as contemporary or from the mid to late 20th century.
9. The immediate surrounds of the site are described as follows:

North:

Immediately north of the subject site are three dwellings fronting Station Street (No. 1-4/349 Station St), each accessible via a shared driveway. The front and rear dwelling is double-storey, while the remaining two are single-storey. Areas of private open space are located to the side/rear of the dwellings along the common boundary with the subject site. It is noted that 4/349 Station Street was completed just after or around the time the application was



submitted and as a result the plan details of this dwelling are not shown on the drawings. This is further discussed in the assessment section of this report.

East:

Immediately to the east, the subject site interfaces with three single-storey dwellings (No. 26, 28 and 30 Patterson St). Each of these dwellings have secluded private open space and various outbuildings/sheds located at the rear.

South:

Abutting the subject site to the south is No. 1-3/443 Station Street Bonbeach which is currently developed as three separate dwellings. The dwellings connect to Station Street via a shared driveway along the common boundary with the subject site.

West:

Immediately west of the subject site is Station Street, a local road with one carriageway in each direction and parallel parking on the eastern side. On the opposite side of Station Street is a shared path and the entry to the Bonbeach Railway Station (see image below). Beyond the rail line is Nepean Highway, an arterial road which forms part of the Principal Road Network. The road comprises four lanes of traffic at this section.



Above: Street view of Bonbeach Station, to the west of Station Street.



Proposal summary

10. The application seeks approval for the construction of buildings and works for an aged care facility, providing accommodation for 101 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 two canopy trees. Details are further summarised below:
- Construction of a 4-storey building, including a basement level, with a maximum height of 15.22m. Due to the slope of the land, the building will present as 3 storeys to Station Street, and 4 storeys to the rear.
 - The building is proposed to contain 101 residential aged care accommodation rooms, with various communal and leisure facilities, including outdoor terraces, a theatre, dining, lounge and café spaces, as well as outdoor garden space. Operation 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 dark bronze vertical seam cladding, render finishes and fibre cement cladding, powder coat metal cladding, light grey Colorbond for the roof finish and timber cladding features.
 - A vehicle crossover and driveway is proposed via Station Street, providing access to a porte cochere for with a dedicated pick up and drop off area, as well as a basement car park which is reposed to contain 49 car parking spaces.
 - A total of 3 signs is proposed to be installed, incorporating an exit only sign, a wayfinding sign and a logo sign. The logo sign is proposed to be internally illuminated.
 - The proposal also includes the removal of two 'boundary' canopy trees in the frontage of the site.
11. Architectural render of the proposed development are shown below:



Above: Architectural render of front elevation.



Municipal Planning Strategy

12. 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 – Urban Growth
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity – Amenity protection
02.03-5	Built environment and heritage
02.03-6	Housing
02.03-8	Transport
02.04	Municipal strategic framework plan

Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement – Victoria
Clause 12	Environmental and Landscape Values
12.05-2S	Landscapes
12.06-1S	Urban forests
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise management
Clause 16	Built Environment and Heritage
15.01-1S	Urban Design
15.01-1L-001	Urban Design – Kingston
15.01-1I-02	Signs
15.01-1L-02	Landscape Design - Kingston
15.01-2S	Building Design
15.01-3L	Building Design - Kingston
15.01-2L-02	Environmentally Sustainable Development
15.01-5L-01	Neighbourhood character – Kingston
15.01-5L-02	Neighbourhood character – Kingston neighbourhoods
Clause 16	Housing
16.01-1S	Housing Supply



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

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

Zoning and Overlays

Neighbourhood Residential Zone, Schedule 7

15. The purpose of the Neighbourhood Residential Zone is to:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To recognise areas of predominantly single and double storey residential development.*
 - *To manage and ensure that development is responsive to the identified neighbourhood character, heritage, environmental or landscape characteristics.*
 - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
16. Pursuant to Clause 32.09-2, a residential aged care facility is identified as a Section 1 use and therefore planning permission is not required for the land use.
17. A planning permit is required pursuant to Clause 32.09-9 to construct a building or construct or carry out works for a residential aged care facility.
18. Clause 32.09-5 specifies that a development must meet the requirements of Clause 53.17 - Residential aged care facility.
19. Schedule 7 to the NRZ (Incremental change – Garden Suburban) sets a series of neighbourhood character objectives as follows:
- *To provide a garden setting for new dwellings by retaining existing trees and planting new native and indigenous trees and vegetation in front and rear setbacks.*
 - *To maintain and reinforce the rhythm of dwelling spacing, providing visual breaks between and around buildings.*
 - *To minimise visual bulk through siting, articulation and by providing a second-floor level that is recessed from the first (ground) floor level.*
 - *To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.*
 - *To protect the character of adjoining sites that have open rear gardens or single storey built form to the rear, by locating double storey built form to the front half of development sites.*



20. The site is not affected by any overlay controls.

Provisions that Require, Enable or Exempt a Permit

Clause 52.05 – Signs

21. 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.*

22. The proposal incorporates an internally illuminated wall mounted business identified sign and direction signs. The business identification signage requires planning permission under Section 2 of Category 3 (High Amenity Areas) of Clause 52.05.

Clause 52.06 – Car Parking

23. Clause 52.06 sets out the requirements of car parking design and car parking provision for various uses. The site is located within a Category 1 area, requiring 0.3 spaces to each bedroom offered within a residential aged care facility.

24. As discussed in further detail in subsequent sections of the report, the current statutory parking requirement of 24 spaces is met and therefore a planning permit is not required to reduce the statutory car parking requirement

Clause 52.34 – Bicycle Facilities

25. 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.

26. Neither a residential aged care facility nor retirement village are listed in Table 1 to Clause 52.34-5 as a use with prescribed bicycle parking requirement and therefore the requirements of this clause do not apply to the application. Notwithstanding this, the proposal provides 4 employee bicycle parking spaces, as discussed in subsequent sections of this report.

Clause 52.37 – Canopy Trees

27. 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.

28. 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 Neighbourhood Residential Zone.

29. 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

30. 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.
31. 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.*
32. 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

33. 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.
34. 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

35. 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.
36. 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.
37. The affordable housing contribution is discussed in the assessment section of this report.
38. 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.



Referrals

39. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 52(1)(b)	Kingston City Council	Did not object subject to conditions (receive 4 May 2026)

Municipal Council Comments

Kingston City Council

40. Kingston City Council (the council) considered the application and provided its formal comments on 4 May 2026. The council broadly supports the application, subject to recommended conditions and consideration of a series of matters.
41. A detailed response to the council's comments and recommended conditions can be found in **Appendix B** of this report.

Notice

42. 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 32.09-13 (Neighbourhood Residential Zone)
 - Clause 52.05 (Signs)
43. The applicant was directed to give notice by way of erecting three signs on the site and notifying adjoining and surrounding property owners and occupiers (where relevant).
44. 2 objections were received, raising the following issues:
- Inappropriate building height and built form response which does not respect the low-density neighbourhood character and visual bulk impacts as a result to adjoining property interfaces.
 - Offsite amenity impacts (overshadowing, overlooking, noise transmission).
 - Certain plant types will cause a nuisance.
 - Impacts during construction.
 - The scale of the built form will impact the values of adjacent properties.
45. A detailed response to objections raised is contained in **Appendix C**.



Strategic Direction and Land Use

46. 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 *Kingston Planning Scheme* has been considered in detail in the assessment of this application.
47. The proposal seeks to develop the land for a new residential aged care facility with rooms for 101 residents. The proposal to deliver a new aged care facility responds to strategic directions set for housing under Clause 02.03-6. Notably, strategic directions for housing in Kingston seek to respond to demand for new, diverse and affordable housing to meeting the needs of Kingston's growing and ageing population. The proposal will directly contribute to housing and care needs of Kingston's ageing population.
48. At Clause 02.04 (Strategic framework plans) the site is identified in an 'incremental change area' in the Residential Framework Plan. Clause 02.03-6 sets out referred residential development outcomes for 'incremental change' areas. It states that incremental change will occur over time in newly developed estates and single sites with medium density townhouses, where development in some of these areas is limited to 3 storeys. The development is proposed to present as 3 storey form to Station Street, and is given the nature of use, its context opposite Bonbeach Station, and its limited off-site impact, the built form is appropriate having regard to preferred development outcomes sought by Clause 02.03-6.
49. Clause 16.01-5S (Residential Age Care Facilities) prescribes several strategies to facilitate the development of appropriately located residential aged care facilities. These include recognising that residential aged care facilities contribute to housing diversity and choice and are an appropriate use 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 Bonbeach, contributing to housing needs for older people within the community.

Buildings and Works

50. 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

51. Clause 53.17 (Residential Aged Care Facility) prescribes a maximum height of 16 metres for a RAC building in the Neighbourhood 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 15.22m (to the top of roof services equipment) and is therefore compliant with the height requirement of Clause 53.17.
52. Additionally, the proposed building height is to vary across the site, in response to the slope of the land, and will present as a two-storey form with a recessed third storey to Station Street, and a three-storey form with a recessed fourth storey to site's rear interface. The variation in height and recession of upper levels will assist in ensuring the building mass is not unreasonably dominant, particularly in the streetscape context. A streetscape and a render demonstrating the recession of the 2nd floor level is shown below to demonstrate:



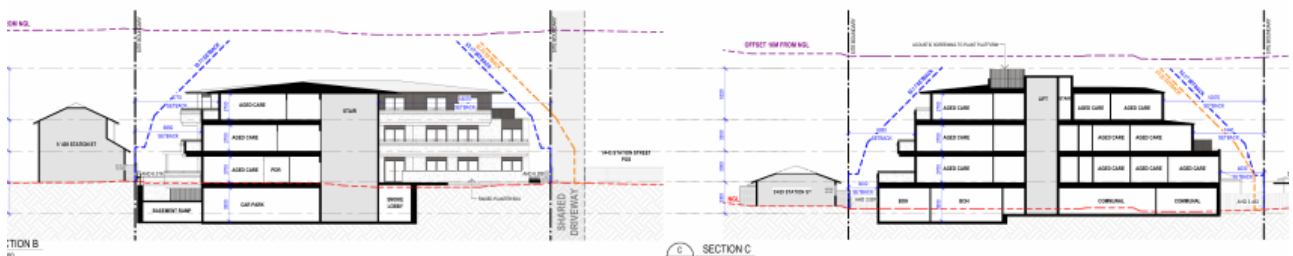
Above: Street/front elevation of the proposed building.



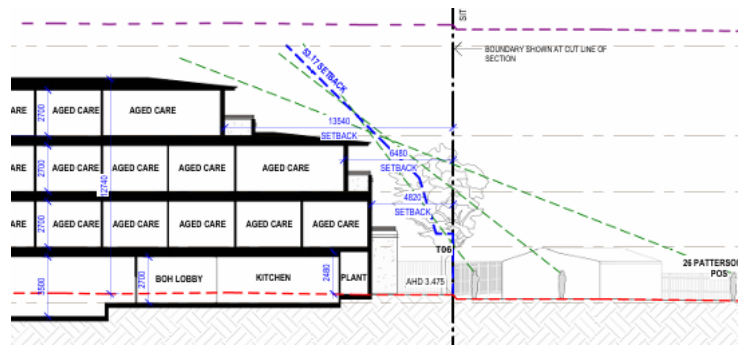
Above: Render of south elevation, closest to the street.

Setbacks

53. The building is proposed to be setback 6.110m from the front property boundary. This is less than average setback of the two adjoining properties, which equates to approximately 7.080m. The proposed front setback and the variation to the Clause 53.17 requirement is acceptable for the following reasons:
- The variation is largely as a result of the proposed substation location. Majority of the façade sits within the average setback line.
 - The proposed setback would otherwise comply with Clause 57.02-1 which is applicable to developments of 4 to 6 storeys.
 - The proposed setback will not noticeably disrupt the streetscape rhythm, and the context opposite the Bonbeach Station, is less sensitive.
54. Schedule 7 of the NRZ seeks to ensure new development maintains and reinforces the rhythm of dwelling spacing, providing visual break between and around buildings. This is further echoed in Clause 15.01-5L-01 (Neighbourhood character – Kingston) which encourages development that responds to the spacing of dwellings in the street and provides side setbacks that allow for visual breaks between building.
55. The proposal achieves the above by fully complying with the side and rear setback requirement of Clause 53.17 and aside from the basement ramp, no walls on boundary are proposed. This is demonstrated in the following sections:



Above: Sections with the Clause 53.17 setback line shown in blue.



Above: Sections with the Clause 53.17 setback line shown in blue.

56. Notably also, the proposal incorporates substantial massing breaks in the built form which will provide for open space and the retention of large trees. The massing breaks will provide needed visual relief to the built form, particularly where it is viewed from the adjoining properties to the south. This is demonstrated below:



Above: Level 2 Floor Plan, cut-outs/substantial southern setbacks shown.

Design Detail

57. Clause 53.17 recognises that 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 and particular features, such as the deep canopy and porte cochere along the frontage, are acceptable, when considering the functional needs of an aged care facility.
58. Notwithstanding this, the development has been designed to incorporate several complimentary features which will ensure the building does appear dominant in the streetscape and from where it is viewed from adjoining properties. This includes the proposed hipped roof form and the degree of recession proposed at each level and across each elevation.
59. 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 render, dark bronze vertical seam cladding, fibre cement cladding, powder coat metal cladding, light grey Colorbond for the roof finish and timber cladding



features throughout. The varied uses of materials across the building will assist in ensuring the building is well articulated.

Signs

60. 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. Clause 15.01-1L (Signs) seeks to discourage signs that dominate the building to which it is fixed or the property on which it is sited.
61. Having regard to planning policy and the decision guidelines of Clause 52.05, the proposed internally illuminated business identification sign, is acceptable for the following reasons:
 - The proposed sign is integrated into the proposed built form.
 - The proposed sign does not directly face any adjoining dwellings and is positioned so as to ensure light spill can be managed.
 - Only one identification sign is proposed, with other signs providing directions only. The extent of signage will not cause visual clutter.
 - The signage is appropriate given the nature of the use and the need for services and visitors to easily identify the building.
62. 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 does not impact the amenity of the area in regard to light spill or lack of maintenance.

Tree removal and landscaping

63. The site is subject to policy and controls which encourage retention of existing significant and/or canopy trees across the site and is reinforced by the preferred landscape character at Clause 15.01-5L-02 (Landscape character – Kingston neighbourhoods) and Clause 52.37 (Canopy Trees) which seeks to ensure that development enables retention of existing vegetation.
64. Two of the trees proposed for removal meet the definition of a canopy tree under Clause 52.37 and therefore require planning permission for removal. The trees are referred to as T04 (identified as a Saw Banksia) and T09 (identified as a Norfolk Hibiscus). These trees are proposed for removal to accommodate the port cochere and the services area in the site frontage. The supporting Arborist Report, by Sustainable Tree Management, indicates these trees are of low retention value.
65. The proposed tree removal is supported given the overall extent of tree retention proposed on site (in particular the retention of T02 and T03), given the replacement planting proposed throughout and given the identified low retention value of T04 and T09.
66. Notably, the proposed landscape scheme incorporates planting where possible in all open areas of the site and incorporates several Coast Banksia Woodland ecological species, in line with the objectives of Clause 15.01-5L-02 (Landscape character – Kingston neighbourhoods). The proposal incorporates the planting of 34 canopy trees and achieves 20.4% canopy cover and 21.6% deep soil area, in compliance with the requirements of Clause 52.37-3. The proposed landscaping scheme is supported, subject to conditions.

Amenity Impacts

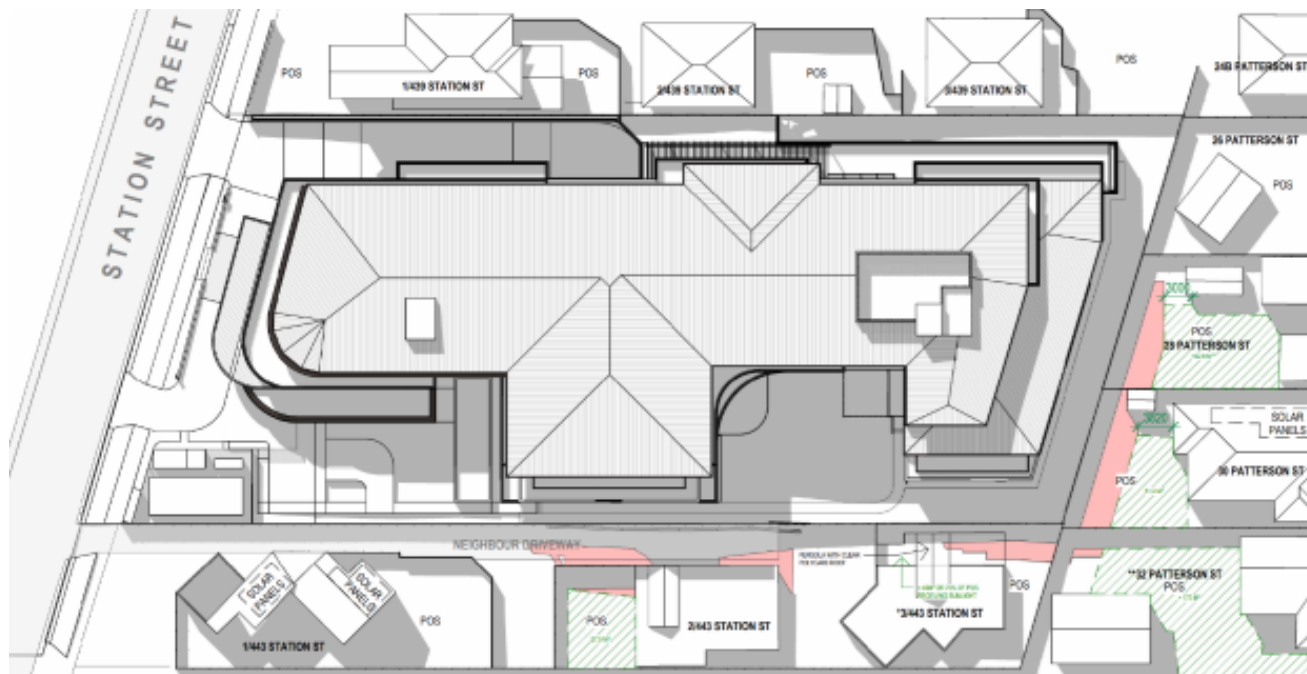
Overshadowing

67. 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 interface, assists



in this regard. 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 or over an adjacent driveway.

68. The proposal generally complies with the overshadowing requirement of Clause 53.17-3, except for a minor variation at 3pm to 3/443 Station Street, Bonbeach. The SPOS area associated with 3/443 Station Street currently does not receive sunlight in accordance with the development requirement of Clause 53.17-3, and therefore to comply, the development should not overshadow any further. It is noted this SPOS area is largely overshadowed by itself, due to a pergola and fencing. The development will cause some new overshadowing at 3pm on the September Equinox but otherwise will not affect this property for the 5 measurable hours before. This outcome will not unreasonably impact the adjoining property and is acceptable.



Above: 3pm Overshadowing diagram – September Equinox.

Overlooking

69. The proposed development 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.
70. 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. Further specifics on the various overlooking treatments proposed are assessed in detail at **Appendix A** of this report.
71. It is noted that 4/439 Station Street has recently been constructed with a new dwelling which is not detailed on the drawings (though plans and information has been provided separately to DTP). The property is labelled as 'POS' though on the drawings and as a result, overlooking to this property has been considered in the design of the development and in the assessment of this application.



Noise

72. Clause 13.05-1S (Noise management) requires protecting both existing residents of surrounding properties and residents of the proposed development from inappropriate noise emissions associated with both use activities and noise sources such as mechanical plants within the building. Clause 53.17 also requires that noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. The development has been designed to concentrate noise sources of the buildings (i.e. plant equipment) within the basement and roof top or away from adjoining residential properties (i.e. substation located toward Station Street).
73. 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

74. 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.
 - Courtyards on the ground floor, which are partly paved and landscaped to provide for seating and passive recreation.
 - A café for the residents and visitors, at the front of the building.
75. Each bedroom is also provided with natural ventilation and appropriate daylight, and in some cases have direct access to external terraces.
76. The proposal clearly seeks to provide quality amenity of future residents which is welcomed.

Sustainability

Environmentally Sustainable Design (ESD)

77. Clause 15.01-2L-01 (Environmentally Sustainable Development) seeks to achieve best practice in environmentally sustainable development to facilitate development that minimises environmental impacts.
78. A sustainability management plan prepared by BESTEC 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 52% 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 30,000L Rainwater tank for rainwater reuse onsite.
 - High-performance fabric and glazing and energy efficient heating and cooling systems.



- 79. It is noted also that despite Clause 53.03 (Residential Reticulated Gas Service Connection) not being applicable to RAC facilities, a permit condition is recommended to require the development to be all electric. The permit applicant has accepted this which is welcomed.
- 80. Given the preliminary nature of the building design and specifications, a more detailed SMP, inclusive of all required performance specifications and details to achieve compliance with the submitted BESS and STORM reports will be required to be submitted for endorsement as secured by the recommended conditions. Overall though, the proposal commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 (Environmentally Sustainable Development).

Water Sensitive Urban Design (WSUD) & Stormwater Management

- 81. 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)
- 82. 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 met best practice requirements.
- 83. Conditions are recommended to be included on the permit which secure some additional detail regarding stormwater protection during construction and further detail to ensure the proposal complies with Kingston City Council’s stormwater management policy, as recommended by the council.

Car and Bicycle Parking, Loading, and Other Services

Car Parking Provision

84. 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	110 bedrooms	0.3 spaces to each bedroom	24 spaces	49 spaces

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

Layout, Access & Traffic

- 86. The proposed car parking layout has been assessed against the design standards of Clause 52.06-9 and are generally compliant. Further detail is recommended to be secured though in relation to clear sightline triangles at the driveway entry and to ensure the headroom clearance is shown on the plans, as per the detail indicated in the submitted traffic report and waste management plan.
- 87. 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. Accordingly, the proposal to provide a porte cochere and its general layout and location are supported.
- 88. 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. Additionally, the site is extremely well serviced by public transport, given the immediate



proximity to the Bonbeach Train Station, which will encourage visitors and staff to utilise sustainable methods of transport.

89. 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

90. There is no requirement for bicycle parking specified for an aged care facility in Clause 52.34-1 of the Kingston Planning Scheme. Despite this, the proposal includes 4 bicycle parking spaces within the basement for staff use which is welcomed.

Loading / Unloading

91. Clause 65.01 requires the consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety implications.
92. 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 is supported and is recommended to be further secured by conditions.

Waste

93. 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

94. 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.
95. 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.
96. 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.
97. 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

Cultural Heritage

98. The subject site is located in area of Aboriginal Cultural Heritage Sensitivity.
99. A 'residential aged care facility' is not identified as a high impact activity pursuant to Regulation 46 of the *Aboriginal Heritage Regulations 2018* and accordingly a cultural heritage management plan (CHMP) is not required.
100. It is noted that prior to gazettal of Amendment VC152, a 'residential aged care facility' was nested under the land use term 'residential building', and a CHMP would have been required. Amendment VC152 has resulted in 'aged care facility' being nested under the broader 'accommodation' land use term and accordingly a CHMP is not required.
101. Throughout the pre-application process, DTP officers have recommended a desktop assessment / memo / Preliminary Aboriginal Heritage Test be undertaken to assess cultural heritage and mitigate project risk for the construction stage and if deemed necessary, a voluntary Cultural Heritage Management Plan should be prepared. This however is not a mandatory requirement and cannot be enforced. The permit applicant is aware of the risk associated with not undertaking these voluntary steps.



102. It is **recommended** that Planning Permit No. PA2604284 for the Development of the land for a residential aged care facility, the associated display of signage (including illuminated signage) and the removal of two canopy trees, be issued, subject to conditions.
103. 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:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]	Dated:	19 May 2026
Phone:	[Redacted]		

Approved by:

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

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

Name:	[Redacted]	Signed:	[Redacted]
Title:	[Redacted]	Dated:	22 May 2026
Phone:	[Redacted]		

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

Clause 53.17 (Residential Aged Care Facility) Development Requirements	Assessment
<p>Building height (mandatory)</p> <p><i>In the Neighbourhood Residential Zone, the maximum building height must not exceed 16 metres.</i></p>	<p>Complies</p> <p>The building is proposed to be constructed to a maximum height of 15.22m. This is measured to the top of the roof top services. The proposal is therefore compliant with the mandatory building height requirement.</p>
<p>Street Setback (can be varied)</p> <p><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></p>	<p>Variation proposed</p> <p>There is an existing building on both the abutting allotments facing the same street (Station Street) and the site is not on a corner. Therefore, the minimum setback from Station Street is calculated at the average distance of the setbacks of the front walls of the existing buildings facing Station Street or 9 metres (whichever is the lesser). This does not include a porte-cochère.</p> <p>The average of the two adjacent front setbacks is 7.88m and the proposal seeks a front setback of 6.11m. The proposed variation largely stems from the position of the substation, which protrudes into the front setback. The proposed variation is acceptable in this instance because:</p> <ul style="list-style-type: none"> • The variation is largely as a result of the proposed substation location. Majority of the façade sits within the average setback line. • The proposed setback would otherwise comply with Clause 57.02-1 which is applicable to developments of 4 to 6 storeys. • The proposed setback will not noticeably disrupt the streetscape rhythm, and the context opposite the Bonbeach Station, is less sensitive.
<p>Side and rear setbacks (can be varied)</p> <p><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></p> <p><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></p> <p><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></p>	<p>Complies</p> <p>The building is proposed to be setback in accordance with these setback requirements, which is evidenced by the recessed upper levels of the development along each side and rear elevation. The submitted sections and elevation demonstrate how the building sits within the indicative setback line. Images are contained in the assessment section of this report.</p>
<p>Walls on boundaries (can be varied)</p>	<p>Complies / Not applicable</p>



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:

- **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 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.

The proposal does not include any walls on boundary. This is except for the retaining wall associated with the basement ramp, which is primarily below ground level.

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

All adjoining dwellings with windows that face the development all have more than 1 metres clear to the sky, measured from the eave to the boundary fence and are setback more than half the height of a new wall within the development. The minimum setbacks provided to the development allow for significantly more access to daylight to existing windows than required by this provision and also in part compared with previous conditions.

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

Complies / Not applicable

There are no north-facing windows within 3 metres of the boundary.



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.

Overshadowing open space (can be varied)

Where sunlight to the secluded private open space of an 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.

Variation proposed.

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 interface, assists in this regard. 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 or over an adjacent driveway.

The proposal generally complies with the overshadowing requirement of Clause 53.17-3, except for a minor variation at 3pm to 3/443 Station Street, Bonbeach. The SPOS area associated with 3/443 Station Street, currently does not receive sunlight in accordance with the development requirement of Clause 53.17-3, and therefore to comply, the development should not overshadow any further. It is noted this SPOS area is largely overshadowed by itself, as a result of a pergola and fencing. The development will cause some new overshadowing at 3pm on the September Equinox but otherwise will not affect this property for the 5 measurable hours before. This outcome will not unreasonably impact the adjoining property and is acceptable.

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.

Complies

The adjoining dwellings at 1/443 Station Street appears to have a solar energy system on its roof. As is detailed within the shadow diagrams, the proposed facility will not cast shadows on this building, given it is located to the north of the site.

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

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.

The plans clearly differentiate the difference in glazing types (clear vs obscure) and notate the height of relevant screening or balustrades on either the floor plans or elevations. Details are also provided to demonstrate that where external screens are provided, including to the top of solid balustrades, the screening material will no more than 25% transparent, as demonstrated below:

window, balcony, terrace, deck or patio should be either:

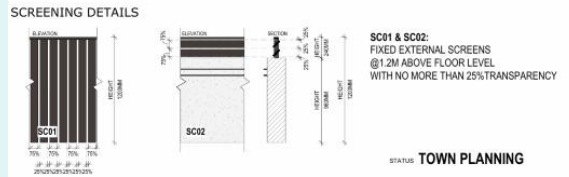
- **Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.**
- **Have sill heights of at least 1.2 metres above floor level.**
- **Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level.**
- **Have permanently fixed external screens to at 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:

- **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.



Above: Screen details.

Again, it is noted that windows and terraces more than 9m from SPOS areas or habitable rooms on adjoining properties, or which contain view lines obstructed by boundary fencing, do not require screening.

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 far exceed this requirement. For example, the building is setback a minimum of 4.5m to the east, 2.32m to the south and 6.5m to the north.

Site coverage

Complies



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

The proposed site coverage is 61.5 percent (of the total site area – or 2703.7 sqm).

Access (Can be varied)

Complies

Access ways should be design to:

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

- **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.**
- **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.**

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 on-site within the basement level.

Kingston City Council have not raised concern with the crossovers proposed, as 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)

Complies

The main pedestrian entry to a building should:

The main pedestrian entry is provided via the port cochere and the street and is proposed to be finished in an alternative paving treatment to assist in identifying it as a pedestrian route. The pedestrian entry will be sheltered and is conveniently located close to the car parking area/drop off area and the function of the porte cochere. The porte cochere can accommodate emergency vehicle and buses, and small buses can also be accommodated within the basement level car park.

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

Whilst not strictly required by this standard, it is noted the pedestrian entry from the street is not level and requires to steps up at the site boundary. It is recommended an alternative and level route to the building entry be incorporated either with line marking or alternative paving treatment. This can be provided via the porte cochere and is recommended to be secured in the traffic and parking management plan.

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)

Complies

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

The proposal includes communal spaces both internal and external to the building. These include a café, communal lounges and dining spaces, activity spaces and other specialised facilities such as a salon, and bar. 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.

Front fence (Can be varied)

Variation proposed

A front fence within 3 metres of a street (excluding streets

A fence to the services area is proposed at 2m in height. The fence

in a Transport Zone 2) should not exceed 1.5 metres in height.

height is acceptable because it will screen the services and because planting is proposed in front of the fence, to soften its appearance. This is acceptable.

Appendix B: Council Submission



Matters raised in council submission	Assessment
<p>Regarding the matter of Aboriginal cultural heritage sensitivity, it is noted that the submitted planning report states that a 'residential aged care facility' is not a high impact activity pursuant to Regulation 46 of the <i>Aboriginal Heritage Regulations 2018</i> and a cultural heritage management plan (CHMP) is not required.</p> <p>Whilst a cultural heritage management plan may not technically be required, it is noted that, prior to Planning Scheme Amendment VC152, a residential aged care facility was previously nested under residential building rather than under accommodation as the use is nested currently. Therefore, prior to the nesting change, the use and development of a residential aged care facility would have triggered the need for a cultural heritage management plan.</p> <p>Given that the land is situated in an area of cultural heritage sensitivity and the proposal will result in significant ground disturbance, similar to the level of significant ground disturbance involved with developing residential buildings, retirement villages or hospitals, it is recommended that either a voluntary cultural heritage management plan be prepared or information be provided which demonstrates that the land has been significantly disturbed to ensure the matters of cultural heritage are managed appropriately.</p>	<p>As noted in the body of the report, DTP has encouraged the permit applicant to undertake voluntary assessment and/or a voluntary cultural heritage management plan. This is not a mandatory requirement so ultimately, at this time, it is up to the permit applicant, and DTP has reiterated the risks.</p>
<p>Development of the Land</p> <p>The following concerns are raised in relation to compliance with the standards of Clause 53.17:</p> <ul style="list-style-type: none">• Whilst a 6 metre front setback may be appropriate given that it aligns with the current Clause 55 standard, the proposed canopy encroachment appears to be excessive. It is recommended that the setback of the building be increased to achieve a larger front setback to the entry canopy.• Whilst the design response only creates additional shadow affecting the neighbouring area of secluded private open space at Unit 3/443 Station Street at 3pm, it appears that this area of secluded private open space does not currently receive 5 hours of sunlight in accordance with the overshadowing open space standard of Clause 53.17. Therefore, this area of secluded private open space should not be affected by any additional shadow in order to comply.• The proposed drop off zone located at the front entry conflicts with pedestrian access, resulting in a lack of convenient pedestrian access from the street.• Minimal staff facilities appear to be provided, including an area of open space.	<p>The variations to the Clause 53.17 are assessed in the body of the report and at Appendix A. The pedestrian entry is also considered to be acceptable and any conflicts with pedestrians can be managed.</p> <p>The development includes a substantial amount of indoor and outdoor communal facilities, as well as staff rooms, which can all utilised by staff.</p>
<p>Built Form and Urban Design</p> <p>The following comments have been reiterated by Council's urban designer:</p> <ul style="list-style-type: none">• Consider relocating the 'sprinkler tank' and meters to maximise the potential of the deep soil zone for landscape and canopy trees. This will also assist in	<p>The services are in the most functional location for street access, and it is noted landscaping is proposed to be provided in front of the services area, to limit its visual impact.</p> <p>The two storey sheer blank walls are limited to relatively limited areas of the development, are broken up centrally. These areas are also adjacent to areas of the building which are then</p>



softening the visual bulk and contributing to the landscape character of Station Street.

- The external path at ground floor abutting the basement ramp appears to be narrow for residents along the northern abutting rooms and should be reviewed.
- The two storey sheer blank walls along the south boundary are problematic with regards to visual amenity of the adjoining dwellings. Consider providing openings, high quality external finishes, and vertical landscaping to soften its impact. Widening the openings does not adequately address the significant visual impact created by expansive blank shear walls with a rendered finish on the amenity of adjoining dwellings. While increased openings are acknowledged as one mechanism to mitigate visual bulk, this measure should be complemented by additional treatments previously recommended, including vertical landscaping, higher-quality material finishes, or other appropriate façade articulations to meaningfully reduce visual impact.

substantially setback to accommodate the retention of trees. It is also noted these walls are adjacent to the driveway of the adjoining property. Therefore, the visual impact will be further limited.

Environmentally Sustainable Design

The comments received from Council’s sustainable design officer have been reflected in the draft conditions provided at Appendix A, with some of the draft conditions explained below:

- The development proposes to connect to electricity and natural gas, with gas supplying the hot water systems. Council strongly urges the applicant to consider removing the gas connection and provide an all-electric development. Electric heat pump hot water systems are suggested as these are a more efficient alternative to gas.
- Within the natural ventilation assessment, most of the compliant care rooms rely on the achievement of single sided ventilation. However, separated openings high and low or split across the width of the room/façade have not been provided. If this style of opening is not present, single sided ventilation cannot be achieved. The window design in these rooms must be updated to integrate separate openings, or alternatively, these rooms must be removed from the assessment.
- The shading assessment included in Appendix F is unreadable and therefore unable to be assessed. Legible results must be supplied to enable an assessment of the inputs to BESS IEQ credit '3.4 Thermal comfort - Shading' to occur. Alternatively, this credit must be removed from the assessment.

Clause 53.03 does not currently apply to residential aged care facilities. Therefore, the requirement to be all electric is not mandatory.

The shading requirement is recommended to be secured by condition as well as the no gas recommendation. These have been discussed with the permit applicant.

Council’s recommended permit conditions



<p>1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be substantially in accordance with the submitted plans, but modified to show:</p>	<p>A flood proof apex a minimum 150mm above the existing kerb and channel invert level along the entire street frontage of the subject site.</p>	<p>Accepted.</p>
	<p>b. A longitudinal section of the driveway and basement ramp showing gradients, levels, distances, with headroom clearances complying with AS/NZS 2890.1:2004 and the flood proof apex.</p>	<p>Accepted.</p>
	<p>c. Swept path diagrams demonstrating the entry, parking, and exit movements for all relevant car parking spaces with all vehicle movements demonstrating compliance with AS/NZS 2890.1:2004.</p>	<p>Accepted, but is recommended to be secured in a CTMP.</p>
	<p>d. Details of the corner splays in accordance with Design Standard 1 (accessways) of Clause 52.06-9 of the Kingston Planning Scheme.</p>	<p>Accepted.</p>
	<p>An environmentally sustainable design (ESD) notes section on the development plans summarising all environmentally sustainable design objectives that are not otherwise shown and detailed on the plans.</p>	<p>Accepted, but captured by different condition.</p>
	<p>g. The total system capacity of the solar photo voltaic system (15kW) noted on the roof plan.</p>	<p>Accepted.</p>
	<p>h. Details of the separate openings high and low or split across the width of the room/façade to achieve the single sided ventilation.</p>	<p>Accepted.</p>
	<p>i. The location of tree protection measures illustrated to scale and labelled on the ground floor</p>	<p>Accepted, with adjustments to require SRZ and TPZ</p>



plan as per the endorsed tree management plan required under condition 18 of this planning permit.



An amended landscape plan in accordance with the landscape plan prepared by John Patrick Landscape Architects, revision D, dated 17 March 2026 to the satisfaction of the responsible authority and incorporating:

- **The *Eucalyptus caesia* 'Silver Princess' replaced with *Banksia integrifolia*.**
- **Balcony planters on the west and south facing Level 2 terrace planted with plants capable of cascading over the edge of the terrace and being visible from the street.**
- **Details of the stormwater re-use response contained with the sustainability management plan and BESS report that rainwater collected in the 30,000 litre tank will be connected to irrigation for re-use.**

Accepted but addressed in the landscape plan. However, note that while the cascading planters are recommended to be secured, the requirement for them to be visible from the street is not recommended to be required as there is a chance they may not be readily visible, due to the height and separation distance.



<p>2. The development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.</p>	<p>Accepted but with variations to align with DTPs standard condition wording.</p>
<p>3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.</p>	

Signs

<p>4. All signs must be located wholly within the title boundaries of the land and must not protrude above the overall height of the building.</p>	<p>Accepted but with variations to align with DTPs standard condition wording.</p>
<p>5. The signs must not be located within or encroach onto the road reservation.</p>	
<p>6. The signs must not be animated, and no flashing or intermittent lights may be displayed.</p>	
<p>7. The intensity of the light on the signs must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the responsible authority.</p>	
<p>8. The signs shown on the endorsed plans must be constructed to the satisfaction of the responsible authority and must be maintained to the satisfaction of the responsible authority.</p>	
<p>9. This planning permit, as it relates to signage, shall expire on the cessation of the use associated with the signage hereby permitted.</p>	
<p>10. Upon expiry of this planning permit as it relates to signage, the sign and structures built specifically to support and illuminate it must be removed.</p>	

Drainage and Water Sensitive Urban Design

<p>11. Unless with prior written consent of the responsible authority, before the development commences the following integrated stormwater management (drainage) documents must be prepared, by a suitably qualified person, to the satisfaction of the responsible authority:</p>	<p>Prior to submitting detailed engineering plans, a comprehensive stormwater management (drainage) strategy for the site must be prepared that addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".</p>	<p>Accepted but with variations to align with DTPs standard condition wording for stormwater management plans and to acknowledge the SMP provided with the application which contains most of this requested detail already.</p>
	<p>The stormwater management (drainage) strategy must include a report with MUSIC modelling results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives. These may include the use of an</p>	



	<p>infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the responsible authority.</p>	
	<p>The water sensitive urban design treatments as per conditions 10(a) and 10(b) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the responsible authority.</p>	
	<p>Detailed stormwater management (drainage) plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge in line with approved stormwater management (drainage) strategy report. The plan(s) must show all details of the proposed stormwater works including all existing and proposed features that may have an impact on the stormwater (drainage) works, including landscaping details.</p>	
<p>12. Stormwater (drainage) works must be implemented in accordance with the approved stormwater management (drainage) plan and to the satisfaction of the responsible authority including the following:</p> <ul style="list-style-type: none"> a. All stormwater (drainage) works must be provided onsite so as to prevent overflows onto adjacent properties. b. The implementation of stormwater (drainage) detention system which restricts stormwater discharge to the maximum allowable flowrate of 40 L/sec. c. All stormwater (drainage) works must be maintained to the satisfaction of the responsible authority. 		
<p>13. A flood proof apex (ridge level) protecting the property from any overland flows must be provided in accordance with Kingston City Council's Basement Policy Guidelines. This apex is to be minimum 150mm above the existing invert level of the kerb and channel along the entire road frontage of the subject site. This apex is to continue through any driveways or pathways that may cross it. The apex is to be a</p>		<p>Accepted.</p>



<p>permanent structure (e.g. rise in concrete driveway/pathway, sleeper retaining wall, solid brick fence/wall). Low mounded soil on its own is unlikely to be acceptable due to the likelihood of future disturbance.</p>	
<p>14. A groundwater assessment report (GAR) must be prepared by a qualified hydro-geologist to assess any possible impacts the proposed development has on the ground water table, surrounding land and buildings to the satisfaction of responsible authority. Should the findings of the submitted groundwater assessment report demonstrate that the site is likely to experience issues associated with ground water management, a ground water management plan (GMP) must be submitted to and approved by the responsible authority.</p>	<p>The intent of these conditions is understood and accepted. However, the extent of information requested to achieve the intent is considered onerous and is not specifically required by the planning scheme. Accordingly, these conditions are recommended to be captured in a single condition which requires:</p>
<p>15. The basement structure must be designed to respond to the findings of the groundwater assessment report and ground water management plan required under condition 14 and constructed to the satisfaction of the responsible authority in accordance with the following:</p> <p>a. The basement must be a fully tanked dry basement with no ground water including agricultural (AG) drain collection or disposal into stormwater system and with an allowance made for any hydrostatic pressures in accordance with Council's "Basement and Underground Structures Policy; or,</p> <p>b. In the event it is demonstrated that a fully tanked dry basement cannot be achieved or if a wet basement system is proposed, no groundwater including agricultural (AG) drain from the site shall be discharged into the stormwater system. Council does not accept any groundwater (including AG drain) into the stormwater system. Sub-surface water (groundwater) is the responsibility of the property owner to dispose of on site or reach an agreement with the local sewer authority.</p> <p>16. In any case where the basement design and construction, as required by conditions 14 and 15 of this planning permit, does not accord with the plan(s) approved under this permit, the endorsed plan(s) must be amended to the satisfaction of and with the written consent of the responsible authority.</p>	<p><i>All groundwater and water that seeps from the ground adjoining the building basement and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to Kingston City Council's stormwater drainage network. Sub-surface water (groundwater) is the responsibility of the property owner to treat, dispose of or reuse on site or discharge into a sewerage network under a relevant trade waste agreement with the responsible service authority.</i></p> <p>The permit applicant accepts the above.</p>
<p>Trees to be Retained</p>	
<p>17. The two (2) Banksia integrifolia (Coast Banksias) trees located near the southern boundary are to be retained and protected as per the conditions of this planning permit during works and construction and thereafter retained and maintained to the satisfaction of the responsible authority.</p>	<p>Accepted.</p>



Tree Management and Protection Plan

- 18. Concurrent with the endorsement of plans, a tree protection plan and tree management plan prepared by a suitably qualified arborist in accordance with AS4970-2009 Protection of trees on development sites, must be submitted to and be endorsed by the responsible authority, incorporating:**
- a. A tree protection plan (scale drawing) with a notation referring to the tree management plan that provides details of: The tree protection zone and structural root zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the tree protection zone falls partially within the subject site.
 - b. The location of tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - c. A tree management plan (written report) which references the tree protection plan and provides details of: Specifications for tree protection fencing and/or ground protection.
 - d. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - e. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - f. Proposed footings and construction methods for any buildings or structures within the tree protection zone nominated on the tree protection plan.
 - g. How the canopy of trees nominated on the tree protection plan will be protected.
 - h. Maintenance of the area(s) within the tree protection zone in accordance with AS4970-2009.
 - i. Any pruning to be undertaken being in accordance with AS4373-2007.
 - j. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the tree protection plan.

Accepted but varied to require approval by the RA in consultation with Kingston City Council, given the street trees and trees protected by council's local law.

- 19. All protection measures identified in the tree management plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the tree management plan, to the satisfaction of the responsible authority.**

Accepted but varied to align with DTP's standard wording

- 20. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the tree management plan must be submitted to the responsible authority.**

Not accepted. This will be provided in the TPMP.

Sustainability Management Plan

- 21. Concurrent with the endorsement of plans required under condition 1 of this planning permit, an updated sustainability management plan must be submitted and endorsed by the responsible authority. Unless otherwise agreed to by the responsible authority, the report must be generally in accordance with the submitted report prepared by BESTEC, revision 03, dated 12 March 2026, but modified to include the following:**
- a. Removal of the gas connection, providing an

Accepted.



all-electric development.

- b. A legible shading assessment to enable an assessment of the inputs to BESS IEQ credit '3.4 Thermal comfort – Shading'.

22. All works must be undertaken in accordance with the endorsed sustainability management plan to the satisfaction of the responsible authority. No alterations to the sustainability management plan may occur without the written consent of the responsible authority.

Waste Management Plan

23. Concurrent with the endorsement of plans required under condition 1 of this planning permit, the waste management plan prepared by OneMileGird, dated 19 February 2026 (or subsequent revisions) is to be endorsed by the responsible authority to form part of the planning permit.

24. The waste management plan must be implemented to the satisfaction of the responsible authority. The waste management plan must not be modified unless with the prior written consent of the responsible authority.

Accepted.

Condition 24 not required because all endorsed documents are required to be adhered to as per recommended condition 1. Therefore, no need to re-iterate in further conditions.

Construction Management

25. Prior to the commencement of any buildings and works on the land, a construction management plan (CMP), to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. The construction management plan must be prepared in accordance with the City of Kingston Construction Management Policy and Construction Management Guidelines. The construction management plan must specify and deal with, but is not limited to, the following elements: Public safety, amenity and site security.

- a. Traffic management.
- b. Stakeholder management.
- c. Operating hours, noise and vibration controls.
- d. Air quality and dust management.
- e. Stormwater and sediment control.
- f. Waste and materials re-use.

When approved, the construction management plan will be endorsed and will then form part of the permit and shall thereafter be complied with during the undertaking of all works.

Accepted but varied to require direct submission to Kingston City Council.

Car Parking, Infrastructure and Road Works



26. Any relocation of pits or power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the responsible authority, at the cost of the owner/developer.
27. Property boundary and footpath levels must not be altered without the prior written consent form the responsible authority.
28. Any reinstatements and new or modified vehicle crossovers must be constructed to Council's industrial strength specifications, to the satisfaction of the responsible authority.
29. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the responsible authority.
30. Any redundant vehicle crossovers must be removed (including redundant portions of vehicle crossovers) to the satisfaction of the responsible authority.
31. Car parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the responsible authority.
32. Concrete kerbs or other barriers must be provided to the satisfaction of the responsible authority to prevent direct vehicle access to an adjoining road other than by a vehicle crossover.
33. Any signage and line marking in front of the property affected by works are to be reinstated by and at the cost of the applicant.

Accepted in full or in part to align with DTP standard wording.

Car Parking and Loading Management Plan

34. Prior to the occupation of the development, a car parking and loading management plan, must be prepared by an appropriately qualified person and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of this permit. The plan must address, but is not necessarily limited to the following:
 - a. The allocation of car parking spaces for staff, residents and visitors.
 - b. Details of the line marking of all parking and loading areas, distinguishing between staff parking, visitor parking, pick-up/drop-off zones, loading bays and associated manoeuvring areas.
 - c. A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of accessible car parking bays, exits, staff and resident car parking and drop-off and pick-up bays.
 - d. Commitments to the following:
On-site car parking will be utilised prior to relying on on-street parking. All loading and unloading activities will occur entirely within

Accepted but with variation to align with DTP standard wording. The requirement for commitments to be included in the CPMP is not considered necessary though and is not recommended to be secured by condition.



the site.

- e. All vehicles will enter and exit the site in a forward direction at all times.
- f. Nomination of the largest permitted vehicle onsite being a small rigid vehicle (SRV).
- g. Communication procedures, policing arrangements and/or formal agreements.
- h. The nomination of the person responsible for the implementation of the car parking management plan.

35. The car parking and loading management plan must be implemented to the satisfaction of the responsible authority. The car parking and loading management plan must not be modified unless with the prior written consent of the responsible authority.

General Amenity

36. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the responsible authority.

37. All externally located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the responsible authority.

38. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the responsible authority.

39. The amenity of the area must

40. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the responsible authority.

41. Offensive odours must not be discharged, emitted or released beyond the boundaries of the premises.

42. Any exterior lighting must be designed, baffled, located and maintained to the satisfaction of the responsible authority to prevent any adverse effect on neighbouring land.

43. No goods or packaging materials shall be stored or left exposed outside the building so as to be visible to the public from a road or other public place.

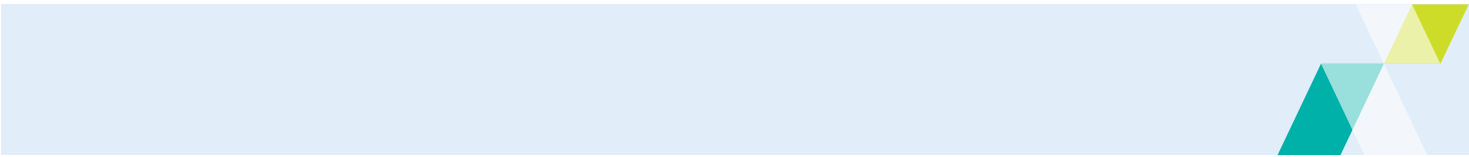
44. Prior to the occupation of the development hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the responsible authority, unless with the further prior written consent of the responsible authority.

45. Prior to the occupation of the development hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority. Thereafter, the landscaping shall be maintained (except where that landscaping is on public land) to the satisfaction of the responsible authority.

Condition 36 is not recommended to be incorporated. There are no works on boundary except for the basement, and the development will be required to be finished in accordance with the plans.

The other recommended conditions are accepted but with variations to align with DTP standard condition wording.

Accepted but with variations to align with DTP standard wording.



Appendix C: Public Submissions



Matters raised in public submissions	Assessment
<i>The height is an intrusion to the area</i>	The proposed building height is compliant with Clause 53.17 and is acceptable. Refer to the assessment section of this report for further detail.
<i>The development will overlook adjoining properties</i>	The development is compliant with the overlooking development requirements of Clause 53.17. Refer to Appendix A and the assessment section of this report for further detailed assessment.
<i>The development will overshadow adjoining properties</i>	The extent of overshadowing is limited, given the setbacks incorporated into the building design. The extent of overshadowing will not cause unreasonable impact and is acceptable. Refer to Appendix A and the assessment section of this report for further detailed assessment.
<i>The development will cause visual bulk</i>	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 limited visual bulk impact.
<i>The development will reduce surrounding properties values</i>	This is not a planning matter.
<i>Impact during construction</i>	Construction impacts will be managed via a Construction Management Plan, recommended to be secured by condition.
<i>Indigenous tree species will cause a nuisance</i>	We note the concerns raised regarding the extent of Drooping Sheoaks (<i>Allocasuarina verticillata</i>) along the rear boundary, and the nuisance the fine needle like foliage can cause. These trees are indigenous and are therefore encouraged. Notwithstanding this, a condition is recommended to be included on the permit requiring this to be replaced with an alternative indigenous species, capable of providing a screen. This has been agreed with the permit applicant.
<i>The onsite laundry will cause noise impacts and may release chemical in the air</i>	The laundry is contained in the basement level. Noise and odour from any residential use is subject to standard EPA requirements.
<i>Landscaping not sufficient to block out view of buildings.</i>	The landscape scheme is diverse, compliant with planning requirements and compliments the retention of existing large trees to be retained. This combined with the built form will limit impacts to adjoining properties, by way of visual bulk.