

PLANNING PERMIT

Permit No.:	PA2604284
Planning scheme:	Kingston Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	440-442 Station Street, Bonbeach

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.09-9	Construct a building or construct or carry out works for a residential aged care facility
52.05-2	Construct or put up for display a sign in Section 2.
52.37	Remove, destroy or lop a canopy tree

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Approved and endorsed plans

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, detailed development plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the Architectural Plans, prepared by VIA Architects, Rev TP6, dated 12/03/2026, but amended to show the following details:
 - a) Corner splays in accordance with Design Standard 1 (accessways) of Clause 52.06-9 of the Kingston Planning Scheme.
 - b) A flood proof apex of a minimum 150mm above the existing kerb and channel invert level along the entire street frontage of the subject site.

Date issued: 22 May 2026 Signature for the responsible authority:



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- c) A longitudinal section of the driveway and basement ramp showing gradients, levels, distances, with head room clearances complying with Clause 52.06 and which are consistent with the headroom clearance detailed in the Waste Management Plan.
- d) The total capacity of the solar roof top PV Array system (15Kw) noted on the roof plan.
- e) Tree Protection and Structural Root Zones of retained trees shown on the ground floor plan.
- f) Any changes required by the Landscape Plan.
- g) Any changes required by the Sustainability Management Plan.
- h) Any changes required by the Tree Protection Management Plan.
- i) Any changes required by the Car Parking and Traffic Management Plan.
- j) Any changes required by the Waste Management Plan.

Layout not altered

- 4. The use and development as shown on the endorsed plans must not be altered (unless the Kingston Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.
- 5. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

Architects to be retained

- 6. Except with the written consent of the responsible authority, VIA Architects must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans,

Landscape plan

- 7. Concurrent with the endorsement of plans, an amended landscape package, prepared by a suitably qualified landscape architect, must be approved and endorsed by the responsible authority. The landscape plans must be prepared to the satisfaction of the responsible authority, must be generally in accordance with the Landscape Plans, prepared by John Patrick Landscape Architects, Rev D, dated 17 March 2026, but amended to show the following details:
 - a) Any changes required to ensure consistency with the architectural plans.
 - b) Any changes in accordance with the Sustainability Management Plan.
 - c) The Eucalyptus caesia 'Silver Princess' replaced with Banksia integrifolia.
 - d) The Drooping Sheoak (Allocasuarina verticillata) species proposed along the rear, easter boundary of the site, replaced with an alternative native or indigenous species, of the same size, capable of providing a visual screen.
 - e) Balcony planters on the west and south facing Level 2 terrace planted with plants capable of cascading over the edge of the terrace.
 - f) 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.



- g) A maintenance plan which includes ongoing maintenance schedule during the establishment period and after the initial 52-week period (including weed, pest management, succession planting, re-mulching, plant nutrition, hygiene, and replacement timeframes for poorly performing vegetation).

Completion of landscaping

8. Before the development is occupied, the landscaping shown on the approved landscape plans must be carried out and completed.

Landscaping maintenance

9. At all times the landscaping shown on the approved landscape plans must be maintained (including the of any dead, diseased or damaged plants) to the satisfaction of Kingston City Council.

Environmentally Sustainable Design

10. Concurrent with the endorsement of plans, an amended Sustainability Management Plan (SMP) must be approved and endorsed by the responsible authority. The SMP must respond to the requirements of the Kingston Planning Scheme and be generally in accordance with the SMP, prepared by BESTEC, Rev 03, dated 12 March 2026 but amended to show the following details:
- a) Any changes required to ensure consistency with the architectural plans.
 - b) Removal of the gas connection, providing an all-electric development.
 - c) A legible shading assessment to enable an assessment of the inputs to BESS IEQ credit '3.4 Thermal comfort – shading'.

Implementation of ESD Initiatives

11. Within six months of the occupation of the development, a report from the author of the endorsed SMP must be approved and endorsed by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

Traffic and parking management plan

12. Concurrent with the endorsement of plans, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Kingston City Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Traffic and Transport Assessment prepared Traffic Engineering Assessment, prepared by OneMile Grid, dated 24 February 2026 and must include:
- a) Any changes to ensure consistency with the architectural plans.
 - b) The allocation of car parking spaces for staff, residents and visitors.
 - c) 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.
 - d) Details of an accessible pedestrian route to the building entry, which can be shared with the porte cochere, including line marking or surface treatments.



- e) 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.
 - f) A line marking and/or way finding plan demonstrate convenient and easily identifiable ways of pedestrian travel to and from the site.
13. Before the development is occupied, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:
- a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Sealed with a concrete or asphalt surface.
 - d) Drained.
 - e) Line marked to indicate each car parking space, all access lanes and pedestrian paths.
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.
- Car spaces, access lanes and driveways must be kept available for these purposes.
- Once constructed, these areas must be maintained to the satisfaction of Kingston City Council.

Waste Management Plan

- 14. Concurrent with the endorsement of plans, a Waste Management Plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Waste Management Plan, prepared by OneMileGrid, dated 19 February 2026.
- 15. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Kingston City Council.

Tree Protection Management Plan

- 16. Concurrent with the endorsement of plans, a tree protection management plan must be approved and endorsed by the responsible authority in consultation with Kingston City Council. The TPMP must be prepared by a suitably qualified arborist in accordance with AS4970-2009 Protection of trees on development sites, must be generally in accordance with the Arboricultural Impact Assessment, prepared by Sustainable Tree Management, Version 3, dated 17 March 2026, and must include:
 - a) A tree protection plan (scale drawing) with a notation referring to the tree management plan that provides details of:
 - i. 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.
 - ii. The location of tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.



- b) 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.
- c) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
- d) How excavation impacts, including soil level changes, on trees to be retained will be managed.
- e) Proposed footings and construction methods for any buildings or structures within the tree protection zone nominated on the tree protection plan.
- f) How the canopy of trees nominated on the tree protection plan will be protected.
- g) Maintenance of the area(s) within the tree protection zone in accordance with AS4970-2009.
- h) Any pruning to be undertaken being in accordance with AS4373-2007.
- i) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the tree protection plan.

Erection of tree protection fencing in accordance with the Tree Protection Management Plan

17. Before the development starts, tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with the approved vegetation management plan and *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.

Street Tree Protection

18. Before the development starts, tree protection fencing must be established around the *Allocasuarina verticillata* street tree in the Station Street nature strip prior to demolition and the commencement of works and maintained until all works on site are complete and:
- a) The fencing is to be a 1.8-metre-high temporary fence constructed using steel mesh panels securely anchored at ground level.
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Maintenance of tree protection fencing and exclusion of activities within fencing

19. At all times during the carrying out of the development:
- a) the tree protection fencing must remain in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved vegetation management plan and Australian Standard AS4970-2009 - Protection of Trees on Development Sites to the satisfaction of the responsible authority and Kingston City Council.
 - b) development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing

to the satisfaction of the responsible authority and Kingston City Council.

Stormwater Management Plan



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20. Before the development starts, excluding demolition, bulk excavation and site preparation works, a stormwater management plan must be approved and endorsed by Kingston City Council. The stormwater management plan must be prepared to the satisfaction of Kingston City Council and must be generally in accordance with the Stormwater Management Plans, prepared by Lanigan Civil (3 sheets), Rev A, dated 10/06/2025, but amended to show the following details:
 - a) Any updates to ensure the stormwater management drainage strategy for the site addresses the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - b) Connection to the Council nominated Legal Point of Discharge.
 - c) Stormwater management strategies to mitigate the impacts of pollutants at risk of entering the stormwater system during construction.
21. The stormwater management system approved by Kingston City Council and included in the stormwater management plan must be constructed, managed and maintained to the satisfaction of Kingston City Council.
22. Before the development is occupied, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to Kingston City Council's underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by Kingston City Council.

Drainage

23. The site must be drained to the satisfaction of Kingston City Council.
24. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of Kingston City Council.
25. 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 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.
26. 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.

Construction management plan (CMP)

27. Before the development starts, including bulk excavation and site preparation works, a Construction Management Plan must be approved and endorsed by Kingston City Council. The CMP must be prepared to the satisfaction of Kingston City Council, must be in



accordance with the Kingston City Council's Construction Management Policy and Construction Management Guidelines, and is to address the following:

- a) Public safety, amenity and site security.
- b) Traffic management.
- c) Stakeholder management.
- d) Operating hours, noise and vibration controls.
- e) Air quality and dust management.
- f) Stormwater and sediment control.
- g) Waste and materials re-use.
- h) Stormwater management strategies to mitigate the impacts of pollutants at risk of entering the stormwater system during construction generally in accordance with the Sustainability Management Plan.

Legal agreement – Affordable Housing

28. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing affordable housing contribution by way of either of the following options:
- a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.
 - b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority

The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

Loading / unloading

29. The loading and unloading of goods from vehicles must only be carried out on the land within the designated basement loading bay and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

Vehicle crossovers and infrastructure

30. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of Kingston City Council.
31. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of Kingston City Council.



32. 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
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.

Signs not to be altered

34. The location and details of the signs, and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.

No moving or flashing light

35. The signs must not be animated or contain any flashing or intermittent light.

Light emissions

36. The sign lighting must be designed, baffled and located to prevent any adverse effect of light spill on adjoining land to the satisfaction of the responsible authority.

Business Advertising

37. The signs shall only contain an advertisement which provides or supplies information relating to the business conducted on the land as described in this permit or as shown on the endorsed plans.

Sign maintenance

38. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

Sign expiry

39. This planning permit, as it relates to signage, shall expire on the cessation of the use associated with the signage hereby permitted.
40. Upon expiry of this planning permit, as it relates to signage, the sign and structures built specifically to support it must be removed.

Noise control

41. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of Kingston City Council.

General amenity

42. The amenity of the area must not be detrimentally affected by the use and development, including through:
 - a) The transport of materials, goods or commodities to or from the land
 - b) Appearance of any building, works or materials
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) presence of verminto the satisfaction of the responsible authority and Kingston City Council.



Expiry – use and development

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

- a) The development is not started within three years of the issued date of this permit.
- b) The development is not completed within five years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

USEFUL INFORMATION:

(the following information does not form part of this permit)

The permitted use or development may need to comply with, or obtain the following further approvals:

- The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
- A building permit under the *Building Act 1993*.

Kingston City Council notes:

- Please note for information on how the City of Kingston approaches the construction of buildings and other structures with below ground elements for the benefit of the whole community, please refer to City of Kingston 'Basement and Underground Structures Policy'.
- Please note that during basement construction, Council does not permit the discharge of surface water or ground water into the Council drainage system unless a temporary discharge permit (TDP) has been obtained. The application form and other construction related permits can be obtained from Council's website.
- The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.
- Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.
- Consent from the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.
- No further sign(s) or other advertising or identification may be erected or displayed on the site without the prior written consent of the responsible authority, unless exempt under the Kingston Planning Scheme.
- Prior to the commencement of the development, you are required to obtain the necessary building permit.
- The applicant/owner must provide a copy of this planning permit to any appointed building surveyor. It is the responsibility of the applicant/owner and building surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.



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- Before removing or pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's vegetation management officer to verify if a Local Laws permit is required for the removal of such vegetation.
- Separate approval (vehicle crossing permit) is required from Council's infrastructure department (roads and drains) for all new, repairs or changes to existing vehicle crossovers. This permit does not guarantee the suitability of the location or number of any vehicle crossovers. It is strongly advised that you ensure all new, repaired or altered vehicle crossovers are designed in accordance with Kingston City Council's Vehicle Crossing Policy, noting that only one (1) vehicle crossover is permitted per property post development.
- Separate approval is required from Council's open space team for the removal of the street tree. The fee for removal of the street tree from the nature strip is \$20,453.73 (excluding GST), payable to Council's customer service team. Please note, the removal and replacement fee is fixed for two (2) years from the date this planning permit is issued and is subject to change following this date.
- Council's mapping system identifies the land as a high probability of occurrence for acid sulphate soils. It is the responsibility of the landowner to ensure that waste acid sulphate soils and rock is managed and complies with all relevant regulations, requirements, and guidance.



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 22 May 2026 Signature for the responsible authority:

