

Planning Assessment Officer Report

PA2604262 –10-16A Alverna
Grove and 85-93 Wilson
Avenue, Brighton



Planning Assessment Officer Report
Development Assessment



Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details									
Application No:	PA2604262									
Received:	5 March 2026									
Applicant:	Arcare Pty Ltd									
Planning Scheme:	Bayside									
Land Address:	10-16A Alverna Grove and 85-93 Wilson Avenue, Brighton									
Proposal:	Development of the land for a residential aged care facility and the associated display of signage (including illuminated signage) submitted via Clause 53.23 (Significant Residential Development with Affordable Housing).									
Development Value:	\$96,572,000.00 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 32.09-9 Neighbourhood Zone, Schedule 3</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></tbody></table>	Clause	Control	Trigger	Zone:	Clause 32.09-9 Neighbourhood Zone, Schedule 3	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>
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Particular Provisions:	Clause 52.05 Signs	<i>Construct or put up for display a sign in Section 2</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:	Bayside City Council (section 52(1)(b))									
Public Notice:	The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d). Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none">Four signs displayed on site for at least 14 daysDirect mail notice to owners and occupiers of adjoining and surrounding properties. 7 objections have been received at the time of writing.									
Delegates List:	Approval to determine under delegation received on 1 June 2026									



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

Milestone	Date
Application lodgement	5 March 2026
Further information requested and received	Requested 24 March 2026 and received 25 March 2026
Public Notice	10 April 2026 to 24 April 2026
Decision Plans	Architectural Plans, prepared by Studio McCue, various revisions, all dated 12 November 2025 and the Signage Plans, prepared by Knowles Group, dated 13 November 2025
Other Assessment Documents	John Patrick Landscape Architects, dated February 2026 Design Report, prepared by Studio McCue Architects, dated 13 October 2025. SMP, prepared by Lincoln Pearce, dated 20 November 2025 Traffic Engineering Assessment, prepared by OneMileGrid, dated 23 February 2026 Waste Management Plan, prepared by OneMileGrid, dated 11 November 2025 Arboricultural Impact Assessment, prepared by Sustainable Tree Management, Version 2, dated 12 November 2025 Stormwater Management Plans, prepared by Lanigan Civil, Rev A, dated 8 April 2026 Housing report, prepared by Arcare, dated July 2025 QS Report, prepared by WT, dated 7 November 2025 Planning Report, prepared by Contour, dated April 2026 Survey Plan, prepared by Speedie Development Consultants, dated 1 July 2025

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



Site Description

3. The subject site comprises five parcels of land being:
 - Lot 2 on Title Plan PS732206 (16A Alverna Grove);
 - Lot 1 on Title Plan TP3862 (14 Alverna Grove)
 - Lot 3 on Title Plan LP31634 (12 Alverna Grove)
 - Lot 2 on Title Plan LP31634 (10 Alverna Grove)
 - Land in plan of consolidation PC355954 (85-93 Wilson Street)
4. The subject site is L-shaped and is approximately 6461sqm in size, with a frontage of approximately 73m to Wilson Street and approximately 69m to Alverna Grove, Brighton.
5. The topography of the site is reasonably flat with an approximate fall of around 1.8m across the site with Wilson Street being the higher ground.
6. The site contains the former Epworth rehabilitation hospital at 85-93 Wilson Street, vacant land 10-14 Alverna Grove and a vacant dwelling at 16A Alverna Grove.
7. Easements on 12 and 14 Alverna Grove have recently been approved for removal, and as part of this the land is required to be consolidated. This is currently underway with Bayside City Council.
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Above: Aerial image of the subject site and surrounds.

Site Surrounds

9. The subject site is located within an established residential area in Brighton, approximately 11.5km south-east of the Melbourne CBD and 1.5km from Port Phillip Bay.
10. The site is located between two activity centres, being the Church Street Activity Centre and the Bay Street Activity Centre. While the area is largely residential, there are several non-residential uses within proximity to the site, including schools, early learning centre and community facilities.
11. The immediate surrounds of the site are described as follows:

North-east:

Immediately north-east of the subject site is Alverna Grove, a two-lane residential street. Alverna Grove terminates in front of 16B Alverna Grove, adjacent to the site. Alverna Grove is largely characterised by single and double storey dwellings. Opposite the site on Alverna Grove, is the William Street Reserve.

South-west:

Immediately to the south-west is Wilson Street. Wilson Street is a two-lane residential street, which is largely characterised by single and double storey dwellings and unit developments. Directly opposite the site is a 66 Wilson Street, a three-storey brick dwelling affected by Heritage Overlay HO398 'Hazelwood'.

South-east

Abutting the subject site to the south-east is a two-storey apartment development, with 8 dwellings at 95 Wilson Street. A driveway is located between the building on the adjoining lot and the common south-eastern boundary.

Also abutting the south-eastern boundary of the subject site is 16B Alverna Grove, Brighton, a two storey residential dwelling.

North-west:

Immediately north-west of the subject site is vacant land at 81-83 Wilson Street and a two-storey dwelling at 8 Alverna Grove, Brighton.



Above: Street view of 95 Wilson Street (left) and William Street Reserve (right).



Proposal summary

12. The application seeks approval for the construction of buildings and works for an aged care facility, providing accommodation for 176 residents, with associated facilities, including communal and leisure areas. Additionally, the proposal includes the display of business identification signage including illuminated signage. Details are further summarised below:
- Construction of a 4-storey building, plus a basement level, with a maximum height of 14.92m (excluding roof level services).
 - The building is proposed to contain 176 residential aged care accommodation rooms, with various communal and leisure facilities, including but not limited to, outdoor terraces, a theatre, dining, activity rooms, multiple lounges, café and bar spaces. 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 brick, textured render, dark bronze metal balustrades, planter and façade panels.
 - A vehicle crossover and driveway is proposed via Wilson Street, providing access to a porte cochere for with a dedicated pick up and drop off area, as well as to a basement car park which is reposed to contain 81 car parking spaces.
 - A total of 5 signs are proposed to be installed, incorporating an exit only sign, a wayfinding sign and a three business identification signs. The business ID signs are proposed to be internally illuminated.
13. Architectural render of the proposed development are shown below:



Above: Architectural render of front elevation to Alverna Grove.



Above: Architectural render of front elevation Wilson Street.



Municipal Planning Strategy

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

Clause	Description
02.01	Context
02.02	Vision
02.03	Strategic Directions
02.03-1	Settlement
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-5	Built environment and heritage
02.03-6	Housing
02.03-8	Transport
02.04	Residential strategic framework plan

Planning Policy Framework

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

Clause 11	Settlement
11.01-1S	Settlement – Victoria
11.01-1R	Settlement – Metropolitan Melbourne
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise management
13.07-1I-01	Amenity
Clause 16	Built Environment and Heritage
15.01-1S	Urban Design
15.01-1L	Urban Design
15.01-2S	Building Design
15.01-1I-02	Signs
15.01-2L-02	Environmentally Sustainable Development
15.01-5S	Neighbourhood character
15.01-5L	Bayside preferred neighbourhood character
Clause 16	Housing
16.01-1S	Housing Supply
16.01-1L	Housing Supply
16.01-2S	Housing Affordability
16.01-2S	Housing Affordability



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

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

Zoning and Overlays

Neighbourhood Residential Zone, Schedule 3

17. 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.*
18. Pursuant to Clause 32.09-1, a residential aged care facility is identified as a Section 1 use and therefore planning permission is not required for the land use.
19. A planning permit is required pursuant to Clause 32.09-9 to construct a building or construct or carry out works for a residential aged care facility.
20. Clause 32.09-5 specifies that a development must meet the requirements of Clause 53.17 - Residential aged care facility.
21. **Note:** Amendment VC257 was gazetted on 16 April 2026 which applied the Housing Choice and Transport Zone (HCTZ) to the land. Pursuant to Clause 32.10-3, the application is a transition application. Accordingly, the requirements of the zone that applied to the land immediately before the approval date remain applicable.

Development Contributions Overlay, Schedule 1

22. The site purpose of the Development Contributions Plan Overlay is to *'identify areas of which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.'*
23. The Bayside Drainage Development Contributions Plan (December 2014 – Amended March 2017), prescribes drainage development contributions levies charged for residential development based on a per dwelling rate. DTP understand the levy is not applicable because no dwellings are proposed.



Provisions that Require, Enable or Exempt a Permit

Clause 52.05 – Signs

24. 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.*
25. The proposed internally illuminated business identification signage requires planning permission under Section 2 of Category 3 (High Amenity Areas) of Clause 52.05.

Clause 52.06 – Car Parking

26. Clause 52.06 sets out the requirements of car parking design and car parking provision for various uses. The site is located within a Category 2 area, requiring 0.25 spaces to each bedroom offered within a residential aged care facility.
27. As discussed in further detail in subsequent sections of the report, the current statutory parking requirement of 44 spaces is met and therefore a planning permit is not required to reduce the statutory car parking requirement
28. The design standards of Clause 52.06-9 are applicable with regard to the proposed car parking layout and design.

Clause 52.34 – Bicycle Facilities

29. 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.
30. A residential aged care facility is not listed in Table 1 to Clause 52.34-5 as a use with prescribed bicycle parking requirement and therefore the requirements of this clause do not apply to the application. Notwithstanding this, the proposal provides 4 employee bicycle parking spaces, as discussed in subsequent sections of this report.

General Requirements and Performance Standards

Clause 53.17 – Residential Aged Care Facility

31. 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.
32. 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.*
33. 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

34. 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.
35. 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

36. 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.
37. 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.
38. The affordable housing contribution is discussed in the assessment section of this report.
39. 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.

Planning Scheme Amendments

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



Referrals

41. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 52(1)(b)	Bayside City Council	Response not received.

42. While a formal response has not been received from Bayside City Council (the council), the council did engage with the Development Facilitation Program during the pre-application phase and comments received at this time have been considered in the assessment of this application.

Notice

43. 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)

44. The applicant was directed to give notice by way of erecting 4 signs on the site and notifying adjoining and surrounding property owners and occupiers (where relevant).

45. A total of 7 objections were received, raising the following key issues:

- Building height is inappropriate
- Visual impact
- Overlooking impact
- Overshadowing impact
- Daylight impact
- Noise impacts from the use, including the rooms shown as wine bar.
- Impacts during construction.
- The scale of the built form will impact the values of adjacent properties.

46. A detailed response to objections raised is contained in **Appendix B**.



Strategic Direction and Land Use

47. 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 Bayside Planning Scheme has been considered in detail in the assessment of this application.
48. The proposal seeks to develop the land for a new residential aged care facility with rooms for 176 residents. The proposal to deliver a new aged care facility responds to strategic directions set for housing under Clause 02.03-5. Notably, strategic directions for housing in Bayside seek to 'encourage a diversity of housing types in well serviced locations to meet the needs of the community over time, including housing for older people and affordable housing'. The proposal will directly contribute to housing and care needs of the Bayside Municipality's ageing population.
49. At Clause 02.04 (Strategic framework plans) the site is identified in an 'significant residential growth area' in the Residential Strategic Framework Plan. The framework plan has synergies with the Housing Choice and Transport Zone, which amongst other things, seeks to provide for housing at increased densities in activity centres and well serviced locations and to encourage a diversity of housing types and affordable housing. Clause 02.03-4 (Neighbourhood Character) seeks to 'support a change in neighbourhood character in Activity Centres – Housing Choice and Stations and land in the Housing Choice and Transport Zone'. The 4-storey built form will be higher than built form in the immediate surrounds, but the built form and the density proposed, aligns with what the MPS and HCTZ seeks to facilitate, given the well serviced location of the site.
50. 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 Brighton, contributing to housing needs for older people within the community.

Buildings and Works

51. 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

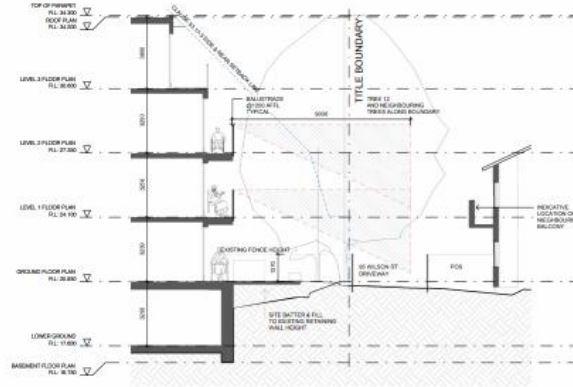
52. Clause 53.17 (Residential Aged Care Facility) prescribes a maximum height of 16 metres for a RAC building in the Neighbourhood Residential Zone, which prevails over any other otherwise applicable building height requirement in the planning scheme. The building is proposed to be constructed to a maximum height of 14.92m (to the top of roof parapet) and is therefore compliant with the height requirement of Clause 53.17.
53. It is noted the maximum building height excludes roof top services, which in some areas are proposed to exceed 16m above the natural ground level. Some of the building services, including a stairwell, will exceed the building height requirement by up to approximately 0.5m. Their position within the built form is well setback from the building edges and is unlikely to be visually discernible from the public realm and adjoining properties. Notwithstanding this, some further detail is recommended to be secured by condition, to confirm the height of the 3rd level roof canopy above NGL. The purpose of this condition is to ensure structures other than services, do not exceed the building height requirement of Clause 53.17.
54. The proposed building height is to vary across the site and will present as a three-storey form with a recessed fourth storey to Alverna Grove and to each adjoining property. 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 render demonstrating the recession of the 4th floor level is shown below to demonstrate:



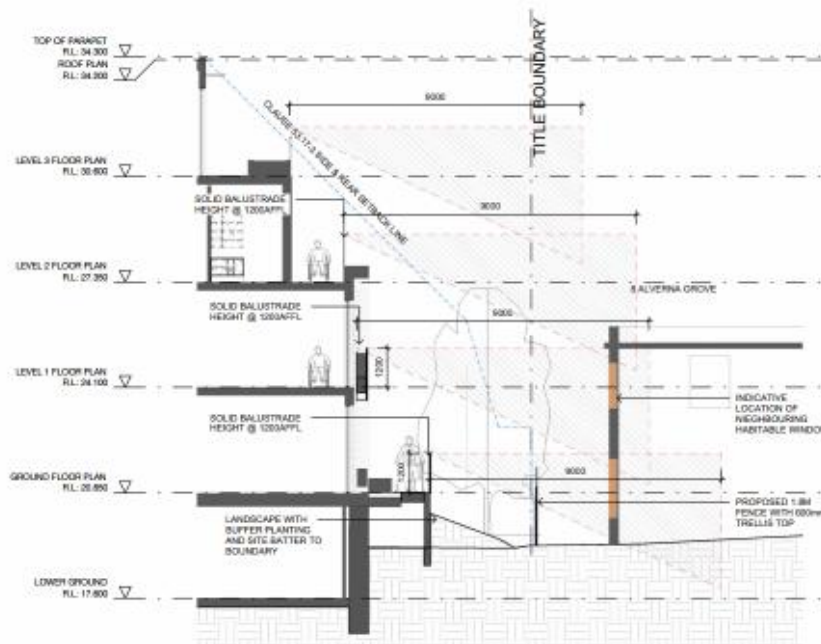
Above: Street/front elevation of the proposed building.

Setbacks

55. The building is proposed to be setback 7.9m from the front property boundary to Wilson Street. This is less than the 9m street setback requirement, prescribed by 53.17, where there is an existing building on one allotment facing Wilson Street, but not on the other. The proposed street setback, which includes a protrusion by the proposed porte cochere, is acceptable because:
- The proposed setback is greater than the street setback of the recently demolished former hospital on the site, which had setbacks of 1.6 to 2.4m from Wilson Street.
 - The setback is proposed to vary across the width of the site and will not noticeably disrupt the streetscape rhythm.
 - The proposed setback enables sufficient space for planting and functional structures including services and the port cochere.
56. The proposed street setbacks to Alverna Grove are proposed to vary from 10m to 13.8m and therefore fully comply and exceed the front requirements of Clause 53.17.
57. Clause 15.01-5L (Bayside preferred neighbourhood character) seeks to ensure development maintains the rhythm and spacing between buildings. The proposal achieves this by generally complying with the side and rear setback development requirement of Clause 53.17 and aside from the basement ramp, no walls on boundary are proposed.
58. It is noted that the submitted planning report states that the proposal sits within the required setbacks of Clause 53.17, as demonstrated by the submitted section drawings. While the section drawings do indicate compliance, the maximum wall heights are not confirmed on some of the sections and there is potential for un-identified variations to the 53.17 setback requirements, at roof parapet level. To address this, a condition is recommended to be included on the planning permit requiring the following:
- The section drawings updated to show maximum proposed wall heights to Level 3/roof level with any necessary alterations to demonstrate Level 3 complies with the side and rear setback development requirement of Clause 53.17.
59. It is noted that there are several instances where the terrace screens/balustrades encroach into the setback line on level 2. This is an allowable encroachment pursuant to Clause 53.17. The below sections assist in demonstrating how the proposed building sits within the setback line requirement:



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



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

- 60. Notably, the proposal incorporates setbacks generally in excess of the side setback requirements where adjacent to the site’s most sensitive interfaces, including the SPOS areas of 16b Alverna Grove and 8 Alverna Grove.

Design Detail

- 61. Clause 53.17 recognises that residential aged care facilities have a different scale and built form to the surrounding neighbourhood. Accordingly, the proposed development is not expected to directly respond to the character of adjoining and nearby residential dwellings. Features, such as scale of the building, the deep entry canopy and porte cochere along the frontage, are acceptable, when considering the functional needs of an aged care facility.
- 62. Notwithstanding this, the development has been designed to incorporate several complimentary features which will ensure the building does not appear at odds with surrounding built form. This includes the incorporation of quality brick finishes, the recession of the upper level, and the manner in which the façade to Wilson and Alverna Grove, is split into smaller components through fenestration details and cut-outs, in response to the width of buildings within both streetscapes.
- 63. The proposed design detail is contemporary, and the varied use of materials will contribute to an articulated built form. The proposal utilises a combination of material finishes, including brick finishes, textured render, dark bronze



metal cladding to façade panels, windows and doors frames. The varied uses of materials across the building will assist in ensuring the building is well articulated and the application of darker materials (i.e. dark bronze cladding) to the upper level will ensure these levels appear recessive from the street and adjoining properties.

64. It is noted the design details of the substation are not clearly shown on the elevation plans. This is recommended to be secured by condition with a requirement for the substation to be integrated into the overall design. This can be generally as per that proposed for the fire cupboards, water meter etc.

Signs

65. 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.
66. Having regard the decision guidelines of Clause 52.05, the proposed business identification signs, including the internally illuminated signs, are acceptable for the following reasons:
- The proposed signs are integrated into the proposed built form.
 - Whilst the pylon sign and business identification sign are both within the Wilson Street frontage, they each face different directions and will therefore not result in adverse visual clutter.
 - The pylon sign and the front and rear business identification signs are positioned at the at the front/rear boundary, away from the sensitive areas of directly adjoining dwellings and separated from dwellings opposite. The recommended conditions will ensure the signs do not cause unreasonable light spill.
 - The signage is appropriate given the nature of the use and the need for services and visitors to easily identify the building.
67. Further conditions are recommended to be included on the permit to ensure the signage is not mis-used (i.e. not flashing light or animation) and to ensure the signage does not impact on the amenity of the area in regard to light spill or lack of maintenance.

Tree removal and landscaping

68. Clause 15.01-5L (Bayside Preferred Neighbourhood Character) seeks to encourage views of front gardens and to maintain and enhance the vegetation character of the area.
69. The proposed development seeks to retain several large trees, which has influenced the siting of the building, including the 10-13.5m street setback to Alverna Grove. Landscaping is incorporated in all open areas of the site and where possible along the edges of upper-level terraces and in internal courtyards. Importantly, the landscaping scheme will also appropriately soften the hard surfaces and service structures in the Wilson Street frontage.
70. Several trees were removed from the site during demolition, prior to the gazettal of Amendment VC289 which introduced Clause 52.37 (Canopy Trees) into the scheme. None of the trees proposed for removal trigger the need for planning permission under Cause 52.17 or 52.37. Notwithstanding this, the application material indicates two trees were removed during demolition which would have required local law permit with Bayside City Council. This is a separate ongoing matter with the council and a condition of the permit is recommended to ensure the landscape plan incorporates appropriate replacement planting.
71. The proposal also includes the removal of two street trees. The removal of street trees will require separate permission from the council. This has been acknowledged by the permit applicant in the submitted planning report.

Amenity Impacts

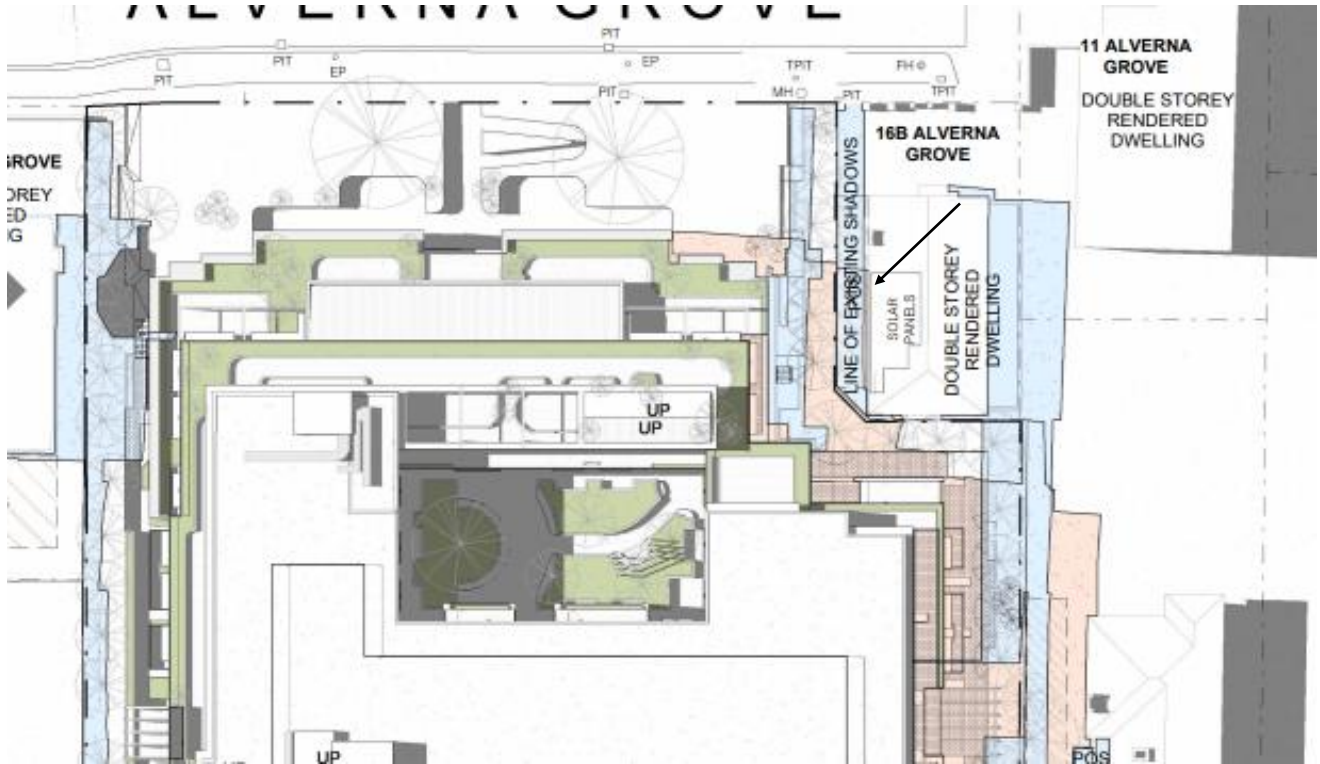
Overshadowing

72. 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 the adjacent driveway associated with 95 Wilson Street.

73. However, the shadow diagrams demonstrate that at 2pm on the September Equinox, the development will cause some new overshadowing over the SPOS area of 16B Alverna Grove, shown below. At all other times, overshadowing from the development generally falls within the shadow lines of existing structures.



Above: 2pm Shadow diagrams (blue is existing and pink is proposed).

74. The extent of overshadowing at 2pm equate to approximately 8.225sqm. While the area of SPOS is not the adjoining dwelling's only area of open space, it is noted this would likely be used most frequently due its position adjoining the open living, kitchen dining room. The overshadowing is a variation to Clause 53.17, because this SPOS area does not currently receive sunlight in accordance with the requirements. Given the size of the development site, it is considered there are no constraints that would warrant the need to impact the decking area of the adjoining property, and the issue can be fixed without unreasonable alterations to the floor layouts. Accordingly, this matter is recommended to be addressed by a condition which requires built form alterations as necessary to eliminate new overshadowing over the side deck of 16B Alverna Grove. This has been agreed with the permit applicant.
75. The shadows cast over dwellings at 95 Wilson Street are shown to fall within the driveway and/or existing shadow lines. The development will not overshadow the dwelling at 8 Alverna Grove, given this dwelling is located to the north-east of the site
76. The shadow diagrams demonstrate that the development will not overshadow solar energy facilities on adjoining properties.

Overlooking

77. The proposed development generally complies with the overlooking requirements of Clause 53.17-3, and it is noted the overlooking requirements for aged care facilities, set at Clause 53.17-3, differ from that prescribed for dwellings under Clause 54, 55, 57 and 58.



78. 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. While this is evidenced on by notations on the elevations and the section drawings, and compliance with Clause 53.17 appears to be achieved, some further detail on the balustrade materials, transparency and other dimensions is recommended to be secured by condition for additional clarity, given there are some inconsistencies between the sections and the elevations. Subject to the recommended permit conditions, compliance with Clause 53.17 will be achieved.
79. Further specifics on the various overlooking treatments proposed are assessed in detail at **Appendix A** of this report.

Noise

80. 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 on the roof top away from adjoining residential properties (i.e. substation located toward Wilson Street).
81. 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

82. Pursuant to the decision guidelines of Clause 53.17, the responsible authority must consider the proposed amenity of future residents of the residential aged care facility. In this regard, the proposal is well designed and caters for the functional, social and recreational needs of future residents, through the inclusion of the following:
- Several lounge rooms located throughout the building for convenient access by all residents.
 - Dining areas located throughout the building for convenient access by all residents.
 - Health-related facilities, including a clinic and medical room ancillary to the primary use of the land. These facilities are located on all levels.
 - Activity rooms which are designed to be multi-purpose.
 - A gymnasium.
 - A salon for resident use.
 - A theatre space and wine bar.
 - Courtyards on the ground floor, which are partly paved and landscaped to provide for seating and passive recreation.
83. Each bedroom is also provided with natural ventilation and appropriate daylight, and in some cases have direct access to external terraces.
84. The proposal clearly seeks to provide quality amenity of future residents which is welcomed.



Sustainability

Environmentally Sustainable Design (ESD)

85. Clause 15.01-2L-01 (Environmentally Sustainable Development) seeks to achieve best practice in environmentally sustainable development to facilitate development that minimises environmental impacts.
86. A sustainability management plan prepared by Lincoln Pearce was submitted with the application which includes a BESS report, STORM assessment report, preliminary NatHERS assessment and Daylight Assessment, outlines a generally appropriate response to these strategies, achieving a compliant BESS score of 51% that outlines a range of ESD initiatives including:
- A solar PV system with a minimum capacity of 30kW.
 - Water efficient fittings, fixtures and appliances.
 - A 20,000L Rainwater tank for rainwater reuse onsite.
 - Provision of landscaping to mitigate the urban heat island effect.
 - High-performance fabric and glazing and energy efficient heating and cooling systems.
87. The proposal commits to a level of sustainability that meets the objectives of Clause 15.01-2L-01 (Environmentally Sustainable Development) and the SMP is recommended to secured for endorsement by condition.

Water Sensitive Urban Design (WSUD) & Stormwater Management

88. 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)
89. The Stormwater Management Plan, prepared by Lanigan Civil, submitted for the development outline a range of WSUD treatment measures on site including diversion of roof areas into the rainwater tank for reuse onsite for irrigation. These measures will ensure that the impacts of stormwater generated by the proposal on the surrounding stormwater system will be reduced both by diverting run off for reuse on site and/or mitigating the discharge of and improving the treatment of stormwater, before it is discharged from the site. The information provided, including MUSIC modelling, indicates the development will meet best practice requirements.
90. Conditions are recommended to be included on the permit which secure some additional detail regarding stormwater protection during construction.

Car and Bicycle Parking, Loading, and Other Services

Car Parking Provision

91. 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	176 bedrooms	0.3 spaces to each lodging room	44 spaces	81

92. 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

93. The proposed access and car parking layout has been assessed against the design standards of Clause 52.06-9 and is generally compliant. It is noted however, that the basement plans do not contain all of the detail contained in the submitted Traffic Impact Assessment, by OneMileGrid. Accordingly, dimensions of accessway widths and carparking spaces dimensions are recommended to be shown on the basement plans, consistent with that detailed in the TIA.
94. 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.
95. The submitted Traffic Impact Assessment, prepared by OneMileGrid, demonstrates that given the low volumes of traffic expected to be generated by the proposed use, the development will have negligible impact on the surrounding road network. Notably, the peak traffic generation period for an aged care facility typically occurs when there is a staff changeover, which for this facility is indicated to occur at 3pm. This does not coincide with typical commuter peak periods and overall, the anticipated traffic movements to and from the site will be low.
96. Additionally, the site is well serviced by public transport, given the immediate proximity to the Middle Brighton Station, which will encourage visitors and staff to utilise sustainable methods of transport.
97. 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

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

Loading / Unloading

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

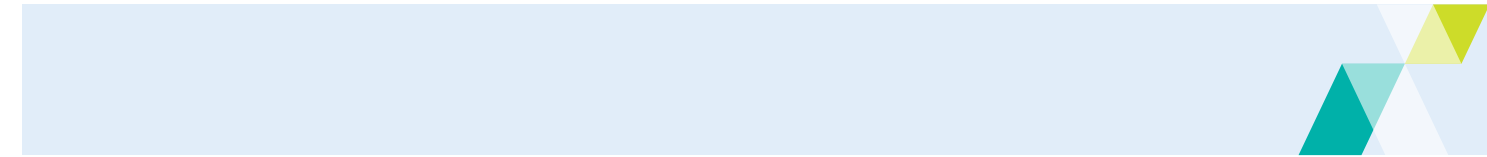
Waste

101. 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

102. 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.

- 
103. 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.
 104. 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 .
 105. 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

106. The subject site is located in area of Aboriginal Cultural Heritage Sensitivity.
107. 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.
108. 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.
109. 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.

Development Contributions Plan Overlay, Schedule 1

110. In line with DCPO1, the Bayside Drainage Development Contributions Plan applies to the land.
111. The requirement to pay a drainage contribution levy is not applicable to the proposed development pursuant to Clause 4 of Schedule 1, which exempts '*residential development that does not create an any additional dwellings, including the development of land for a small second dwelling*'.
112. Notably, should the council disagree with this conclusion, they are empowered to collect levies via other pathways if necessary, including through building permits and subdivision.



113. It is **recommended** that Planning Permit No. PA2604262 for the Development of the land for a residential aged care facility and the associated display of signage (including illuminated signage), be issued, subject to conditions.

114. 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]		
Phone:	[Redacted]	Dated:	2 June 2026

Approved by:

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

No Conflict

Conflict and have therefore undertaken the following actions:

Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

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]		
Phone:	[Redacted]	Dated:	3 June 2026

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 14.92m (to the top of roof parapet) and is therefore compliant with the height requirement of Clause 53.17.</p> <p>It is noted the maximum building height excludes roof top services, which in some areas are proposed to exceed 16m above the natural ground level. Their position within the built form is well setback from the building edges and is unlikely to be visually discernible from the public realm and adjoining properties.</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>The building is proposed to be setback 7.9m from the front property boundary to Wilson Street. This is less than the 9m street setback requirement, prescribed by 53.17, where there is an existing building on one allotment facing Wilson Street, but not on the other. The proposed street setback, which includes a protrusion by the proposed porte cochere, is acceptable because:</p> <ul style="list-style-type: none"> • The proposed setback is greater than the street setback of the recently demolished former hospital on the site, which had setbacks of 1.6 to 2.4m from Wilson Street. • The setback is proposed to vary across the width of the site and will not noticeably disrupt the streetscape rhythm. • The proposed setback enable sufficient space for planting and functional structures including services and the port cochere. <p>The proposed street setbacks to Alverna Grove are proposed to vary from 10m to 13.8m and therefore fully comply and exceed the requirements of Clause 53.17, with regard to street setbacks.</p>
<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</i></p>	<p>Complies, subject to condition.</p> <p>The submitted planning report states that the proposal sits within the required setbacks of Clause 53.17, as demonstrated by the submitted section drawings. While the section drawings do indicate compliance based on the setback line diagram shown, the maximum wall heights in some locations are not confirmed and there is potential for un-identified variations to the Clause 53.17 setback requirements, at level 4. To address this, a condition is recommended to be included on the planning permit requiring the following:</p> <ul style="list-style-type: none"> • The section drawings updated to show maximum proposed wall heights to Level 3/roof level with any necessary alterations to demonstrate Level 3 complies with the side and



this standard.

rear setback development requirement of Clause 53.17.

It is noted that there are several instances where the terrace screens/balustrades encroach into the setback line on level 2. This is an allowable encroachment pursuant to Clause 53.17.

Walls on boundaries (can be varied)

Complies / Not applicable

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:

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.

- *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.

Daylight to existing windows (can be varied)

Complies

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 building is proposed to be setback between 4.5m to 7.7m from adjoining residential properties. The proposed setbacks exceed the requirement will not compromise daylight access to existing windows on adjoining properties.

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.



North-facing windows (can be varied)

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

Complies / Not applicable

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

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.

Discussed in body of report.

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 at 95 Wilson Street.

However, the shadow diagrams demonstrate that at 2pm on the September Equinox, the development will cause some new overshadowing over the SPOS area of 16B Alverna Grove. At all other times, overshadowing from the development falls within the shadow lines of existing structures. The extent of overshadowing at 2pm equates to approx. 8.225sqm. While the area of SPOS is not the adjoining dwellings only area of open space, it is noted this would likely be used most frequently due its position off from their open living, kitchen dining room. The overshadowing is a variation to Clause 53.17, because this SPOS area does not currently receive sunlight in accordance with the requirements.

Given the size of the development site, it is considered there are no constraints that would warrant the need to impacts the decking area of the adjoining property, and the issue can be fixed without unreasonable alterations to the floor layouts. Accordingly, this matter is recommended to be addressed by a condition which will require built form alterations as necessary to eliminate new overshadowing over the side deck of 16B Alverna Grove. This has been agreed with the permit applicant.

Due to the orientation of the site, the proposal will not overshadow the SPOS of 8 Alverna Grove.

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

Complies

The adjoining dwellings at 16B Alverna Grove contains a solar energy system on its roof. The submitted shadows diagrams demonstrate that the development will not overshadow the roof top energy facility on the September Equinox and will therefore not be unreasonably reduced.



the application is lodged.

Overlooking (can be varied)

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

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

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

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

Screens used to obscure a view should be:

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

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

Noise impacts (can be varied)

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

Complies, subject to conditions

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 high frosted/obscure glass, solid balustrades or maximum 25% transparent high balustrades.

Where screening is not proposed, other methods of obstructing direct views are proposed. For example, at the 3rd level, planters are positioned along the edge of the north and western terraces, which sets back the view line to beyond 9m from adjacent sensitive areas.

The methods proposed to mitigate overlooking are generally compliant with the requirements of Clause 53.17 and there are notations provided on the western and eastern elevations stating 'all balustrades solid to 1200 FFL'. However, some additional detail is required, to further ensure the overlooking mitigation measures are clearly shown on the elevations, in addition to the intent of the notations and the detail on section drawings. Accordingly, the following conditions are recommended to be included on the planning permit:

- A detailed materials and finishes schedule which includes the solid and maximum 25% transparent balustrades required for overlooking to relevant north, east and west facing windows and terraces.
- Dimension a selection of the 1.2m high (above the FFL) solid or maximum 25% transparent balustrades required to mitigate overlooking on the western elevation.
- The GL02 balustrades associated with the west facing terrace on Level 2 with an outlook to 8 Alverna Grove and the north-facing and east facing terrace on Level 2 with an outlook to 16B Alverna Grove, altered to 1.2m high (above the FFL) obscure glass or another screening method in accordance with the requirements of Clause 53.17.

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) <i>A window in a habitable room should be located to face:</i> <ul style="list-style-type: none">• <i>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</i>• <i>A verandah provided it is open for at least one third of its perimeter, or</i>• <i>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</i>	Complies All windows within the development are located to have at least 1 metre clear to the sky and for majority of windows, the setbacks provided exceed this requirement. Many of the bedrooms are proposed to contain terraces, with screening to the outside edge of the terrace as opposed to the windows of lodging rooms, further enhancing daylight access and amenity for future residents.
Site coverage <i>The site area covered by buildings should not exceed 80 percent.</i>	Complies The proposed site coverage is 60 percent of the total site area – or 3902 sqm.
Access (Can be varied) <i>Access ways should be design to:</i> <ul style="list-style-type: none">• <i>Provide direct access to on-site designated areas for car and bicycle parking.</i>• <i>Provide direct access to the building for emergency vehicles.</i>• <i>Provide access for service and delivery vehicles to on-site loading bays and storage areas.</i>• <i>Ensure vehicles can enter and exit a development in a forward direction.</i>• <i>Provided a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.</i>• <i>The 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.</i> <i>Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.</i>	Complies 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. 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. It is noted no vehicle access points are provided along the Alverna Grove frontage, preserving this frontage for pedestrian access only. On site loading and storage is proposed within the basement level. The proposed access arrangements are acceptable.
Building Entry (Can be varied) <i>The main pedestrian entry to a building should:</i> <ul style="list-style-type: none">• <i>Have convenient access from a street.</i>• <i>Be sheltered from the weather.</i>• <i>Have convenient access from on-site car parking.</i> <i>Have a designated vehicle standing area suitable for use by a community bus and disable parking area should be provided that is convenient for the drop-off and pick-up of</i>	Complies, subject to conditions. The pedestrian entry along Alverna Grove is easily identifiable from Alverna Grove and contains a degree of appropriate weather protection. The pedestrian entry from Wilson Street is less direct and accessible and whilst it is acknowledged this frontage is largely taken up by the porte cochere, it is considered that a clear pedestrian entry could be easily incorporated. This matter is recommended to be addressed by condition.



<p>residents.</p>	<p>The porte cochere is provided as a suitable drop off and pick up area for residents and on-street disabled parking bay is further accommodated on street.</p>
<p>Communal Open Space (Can be varied)</p> <p>Accessible and useable communal open space should be provided for residents and staff.</p>	<p>Complies</p> <p>The proposal includes communal spaces both internal and external to the building. These include a communal lounges and dining spaces, activity spaces and other specialised facilities such as a salon, wine room, theatre 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.</p>
<p>Front fence (Can be varied)</p> <p>A front fence within 3 metres of a street (excluding streets in a Transport Zone 2) should not exceed 1.5 metres in height.</p>	<p>Variation proposed</p> <p>Majority of the frontage to Wilson Street is proposed to be unfenced. However, to the areas of either side of the porte cochere a 2m high fence is proposed. The fence height is proposed for resident safety purposes and to also screen servicing areas.</p> <p>A similar 2m high fence is proposed along Alverna Grove. However, this is proposed to be partially palisade style, and therefore transparent, facilitating views into the front garden. The proposed fences will not appear at odds with the character of the surrounding area and are integrated into the overall design.</p>

Appendix B: 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 for the reasons outlined in the assessment section of this report. Importantly, the building height requirements for aged care facilities are different for standard residential development, as prescribed in Clause 53.17.
<i>The development will overlook adjoining properties</i>	Subject to the additional detail recommended to be secured by conditions, 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 a further detailed assessment.
<i>The development will overshadow adjoining properties</i>	Subject to the recommended permit conditions, the development will not unreasonably overshadow any secluded private open space areas on adjoining properties. 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 and is not relevant to the planning merits of the application.
<i>Impact during construction</i>	Temporary disruptions from construction are not a valid reason to refuse a planning permit application. To mitigate and manage impacts, a construction management plan is recommended to be secured by condition which will also be further regulated by other legislation under the Building Act and Environmental Protection Regulations.
<i>The developer should have to pay for rental compensation from noise impacts during construction.</i>	This is not a planning matter. Temporary disruption from construction is a normal and unavoidable part of urban development. To mitigate and manage impacts, a construction management plan is recommended to be secured by condition which will also be further regulated by other legislation under the Building Act and Environmental Protection Regulations.
<i>There should no windows facing 8 Alverna Grove and the building should be setback 8-9m from the shared boundary with this property.</i>	<p>Subject to confirmation of details required by conditions, the proposed development will comply with the overlooking requirements of Clause 53.17, and this is further demonstrated in overlooking Section 02 of the architectural drawings. It should not be noted the overlooking mitigation requirements for aged care facilities under Clause 53.17 is different to standard residential development. The key difference being that screens (where required) are required to 1.2m high above the FFL as opposed to 1.7m high</p> <p>The building is proposed to be setback between 5m, 7.3m and 10.02m from the shared boundary with 8 Alverna Grove. The proposed setbacks comply with and exceed, particularly at the lower levels, the setback requirements of Clause 53.17 where the building interfaces with 8 Alverna Grove.</p>
<i>The fence with 95 Wilson Street has been damaged during demolition and a condition must be imposed requiring the fence to be reconstructed.</i>	This a civil matter which should be pursued under the Fences Act.
<i>The screening planting proposed along the boundary with 95 Wilson Street might</i>	Ornamental pears and weeping figs are generally proposed to be planted adjacent to the fence line. These trees are common for planting along fence line or boulevard and



<i>impact on the viability of a fence.</i>	will provide visual screening and necessary canopy coverage and are acceptable. Any matters relating to the construction or management of boundary fences is a civil matter.
<i>There should not be a pedestrian entry on Alverna Grove. This will encourage staff and visitors to park in Alverna Grove and this would have a negative impact on the area.</i>	The traffic and parking generation impacts are considered to negligible as discussed in the assessment section of this report and importantly the proposal complies with the requirements of Clause 52.06. A pedestrian entry on Alverna Grove is an important feature of the development, providing easy and convenient access for residents and staff to the public open space located opposite the site.
<i>The former hospital was not allowed access from Alverna Grove, as per a VCAT decision.</i>	The use of land for a hospital is different to an aged care facility. Notably, the use itself does not require planning permission. For the reasons stated, the proposal to provide a pedestrian entry on Alverna Grove is acceptable.
<i>The proposed wine bar and terrace should be limited to daylight hours.</i>	The 'wine bar' indicated on the plans is ancillary in nature, as communal space, for residents. It cannot be used for commercial purposes, unless specifically applied for. Noise will be regulated in line with EPA requirements applicable to residential uses.
<i>The developer must reinstate the footpath where crossovers are removed.</i>	This is secured by conditions and is standard practice. The vehicle crossover removal and construction will be to the satisfaction of council.
<i>Drug dealing occurs in the playground in William Street reserve very close to the aged care facility.</i>	This is not a planning matter.