



GLEN EIRA
CITY COUNCIL

GLEN EIRA CITY COUNCIL

10-16 Selwyn Street Elsternwick – PA2403410

SUBMISSION

BENTLEIGH

BENTLEIGH EAST

BRIGHTON EAST

CARNEGIE

CAULFIELD

ELSTERNWICK

GARDENVALE

GLEN HUNTLY

MCKINNON

MURRUMBEENA

ORMOND

ST KILDA EAST

10-16 Selwyn Street Elsternwick – PA2403410

Introduction

This submission is made by the Glen Eira City Council (**Council**) in response to the planning permit application lodged under Clause 53.23 (Significant Residential Development with Affordable Housing) of the Glen Eira Planning Scheme (the **Scheme**) for the redevelopment of the land at 10-16 Selwyn Street Elsternwick.

The application seeks the construction of a multi-level, mixed-use development and to use the site for the purpose of dwellings, place of assembly (function centre, hall, library, museum, restricted place of assembly (excluding gaming), office, supermarket and food and beverage).

Council has conducted a full review of the application by comparing the current proposal with the previous endorsed plans and factoring in key considerations made by VCAT. Council has a number of recommendations for changes to be made to the proposal based on the analysis and assessment set out in the following sections.

Background

Clause 53.23 (Significant Residential Development with Affordable Housing)

The application has been submitted under Clause 53.23 of the Scheme. Under this provision, the applicant relies on Category 1, as they have demonstrated that:

- The total cost of the development is at least \$50 million.
- At least 10% of the total number of dwellings in the development are affordable housing.
- Written advice from the Chief Executive Officer, Invest Victoria has been provided confirming the likely financial feasibility of the proposal.

In accordance with the affordable housing report submitted, the permit applicant has applied a market value equal to the median 2 bedroom, 1 bathroom unit for their average affordable apartment. This provides some confidence that a sufficient value has been allocated towards their affordable housing stock in order to offer a mix of apartment types. Notwithstanding, it is recommended that the Section 173 agreement drafted includes a requirement for a mix of apartment types to be on offer as part of the permit applicant's affordable housing provision.

Elsternwick Structure Plan and upcoming Design and Development Overlay control

Council adopted the final Elsternwick Structure Plan 2023 at the 15 August 2023 Ordinary Council Meeting. Based on this plan, Council's strategic planning team prepared planning controls which received endorsement on 19 March 2024 to seek authorisation from the Minister for Planning to prepare a planning scheme amendment. Planning scheme amendment C256 proposes a new permanent schedule to the Design and Development overlay (DDO10) applicable to the subject site. The amendment is currently on exhibition and will be presented to Planning Panels Victoria likely midway through 2025. The amendment is therefore considered to be seriously entertained.

Under the proposed control, the subject site is located within 'Cultural Precinct B'. The design controls proposed as part of the upcoming DDO10 applicable to this precinct include:

- Preferred maximum building height of 31 metres, up to 8 storeys.
- Preferred front setback (Selwyn Street) of 0 metres up to the height of the street wall (15.8m, up to 4 storeys). Upper levels setback 5m.
- Preferred front setback (Sinclair Street) of 0 metres up to the height of the street wall (8m, up to 2 storeys).
- Preferred side setback (southern interface) of 0 metres up to the height of the street wall (12.5m, up to 3 storeys). Upper levels setback 5m.

Preferred rear wall height (eastern interface) of 4.2m, up to 1 storey. Upper levels setback behind a 64 degree plane measured from rear boundary of lot. Above 6th level: setback behind a 45 degree plane measured from rear boundary of lot.

Submissions

Response to the current and proposed Design and Development Overlay 10 (DDO10)

As part of VCAT's decision for P11383/2021, some of the most significant design changes imposed on the development was through permit conditions 1(a) and (b):

(a). Deletion of levels 6, 7 & 8 from the southern tower.

(b). Modification of levels 2, 3, 4 & 5 of the southern tower, so that they comprise the setbacks and internal layout depicted in the level 8 floor plan contained on Drawing TP109 dated 25 March 2022

These levels were deleted, setbacks were modified and plans subsequently endorsed by Council which showed the southern tower reaching a maximum height of six storeys as opposed to nine. The current proposed plans however have reverted back to a nine storey southern tower and have increased the height of the northern tower by one storey. VCAT imposed conditions 1(a) and (b) directly in response to the visual impact of the tower on the neighbouring properties to the east, particularly towards the large open space of 1 St Georges Road, which includes a tennis court. The decision expressed specific concern with the visual bulk and overlooking impact on the 1 St Georges Road property, both of which issues were considered to be most appropriately addressed via a reduced building height and increased setbacks from the eastern boundary for the southern tower.

In addition to this, since VCAT issued their decision, Council has adopted a new DDO schedule 10 which actually reduces the preferred maximum building specific to the site to 8 storeys, down from 10 storeys as per the interim control. Both the north and southern towers would therefore exceed this height control being proposed as ten and nine storey buildings respectively. Council therefore strongly opposes any further increase in height from that approved as part of planning permit GE/DP-34187/2021 and requests the Minister for Planning not support any increase to either of the towers proposed from that approved as part of the existing planning permit for the site

Proposed Increase in podium height

Another notable change between the endorsed plans and the proposed design is the increase in the podium height. This results in an increased wall on boundary height facing: 1 St Georges Road (1.6m wall height increase), 1 and 3 May Street (0.9m wall height increase), and 16 Sinclair Street (1.6m wall height increase). As part of VCAT's decision for P11383/2021, the potential amenity impacts

were explored towards 1 St Georges Road, including from the proposed new boundary wall. Subject to the podium above the wall being appropriately vegetated, the Tribunal were satisfied that this wall would not have an adverse impact on the heritage significance and amenity of 1 St Georges Road. The boundary wall was proposed to be of a similar scale to the existing masonry wall on the boundary of the subject site facing directly opposite the 1 St Georges Road tennis court. The extent of the wall would otherwise contradict both the current and proposed DDO10 eastern setback controls. This was the very reason why the Tribunal accepted the variation to the DDO10 setback standard as part of the first VCAT hearing (P262/2019) when assessing the proposed boundary wall. Proposing an increase to the wall height however is not considered appropriate as this would go beyond the scope of emulating the existing site conditions and would pose further amenity impacts on the eastern properties, particularly towards 1 St Georges Road. Council officers are certainly willing to consider further variations to setback controls when there are reasonable competing priorities at stake, such as accommodating for more affordable dwellings within the building envelope or providing for improved active street wall. In the instance of the proposed wall on boundary change, there doesn't appear to be any benefit from a planning perspective to offset the change. The change therefore only appears to have an impact on the adjoining properties to the east and should not be supported due to the further departures it proposes to the preferred DDO10 setback controls.

Proposed change to wall behind ground floor shop/food and drink premises tenancies

The applicant has proposed to change what was previously a wall comprising of glazing behind the shop/food and drink premises, to a full height solid wall.

As part of planning permit GE/DP-34187/2021, the following condition was included on the permit:

1(m). The rear of the small shop spaces to be glazed

As part of the condition of permit process, Council previously considered the practicality issues of requiring the entire rear of the small shop premises to be glazed, which if read explicitly, this what the condition required. As a result, a compromise was reached to allow for a combination of treatments for this wall such as floor to ceiling height glazing and 1300mm sill height windows. Such an outcome would still allow for sufficient street activation in order to meet the intent of the condition.

The condition originates from Council's Urban Design expert witness (Tim Biles) who was quoted from the first VCAT hearing (P262/2019) as follows:

North of the travelators, the kiosk tenancy presents glazing and pedestrian entries to the street, as well as a booster cupboard on the frontage. It is not clear what the intended use of this space is but it occupies a significant portion of the site frontage and, because it has a solid wall dividing it from the supermarket, masks views of the presence and activity of the supermarket itself. Depending on the nature of the tenant, the kiosk could assist in activating the street edge. However, in the absence of such information I consider it would be preferable for the design to offer deeper views into the supermarket and associated bottle-shop, provided the layout ensured no shelving is placed against the windows and applied signage is avoided to allow uninterrupted views. Alternatively a series of deeper shop units, with the supermarket set behind, would also provide an improved outcome.

Whilst that application was ultimately refused, this recommended condition has been retained throughout the subsequent iterations of draft or recommended conditions, either for Council

reports or the latest VCAT decision (P11383/2021) that ultimately granted the permit. Ensuring glazing is retained on this wall will allow for a much more activated street frontage by allowing pedestrians within Selwyn Street to see through the shop spaces into the supermarket. The shop tenancies will likely close at a much earlier time than the supermarket, therefore appropriate glazing will allow for street activation throughout the supermarket operating hours.

Other built form changes to be requested

- Mezzanine level roof landscape area facing 3 May Street no longer has an annotation stating 'non-accessible roof, for maintenance access only'. This notation feeds into Condition 1(ff) of the original permit which reads:

(ff) The externally accessible area and east facing windows of the 'Supermarket Plant' room and 'Retail – Supermarket Office' screened in accordance Standard D14 (Building Setback) to avoid views onto the secluded private open space and/or habitable room windows of numbers 1 and 3 May Street

As part of the Council officer assessment of the condition of permit application to satisfy this condition, regard was given to the 'maintenance access only' notation on the roof landscape area as this area is directly between the supermarket plant room windows and windows of numbers 1 and 3 May Street. Since this landscape area was designated for maintenance access only, it avoided any overlooking concerns towards the neighbouring windows. It is therefore recommended that this notation is reinstated on the mezzanine level roof landscape area.

- Level 5 and 6 communal terraces are no longer clearly labelled as a 'communal terrace'. This appears to be an unintended oversight as the planning report prepared by Urbis mentions that communal open space will continue to be provided in the form of the level 1 space for both towers and at levels 5 and 6 for the northern tower.

Provision of community facilities within development for Jewish Quarter

During the original permit application process with Council, the applicant advised that the commercial spaces associated with the shop/food and drink premises' and the place of assembly were to be utilised by parties associated with the Jewish community. This arrangement was also discussed in VCAT's decision for P11383/2021 in a section where the member discusses local policy relating to the cultural precinct and how the proposed mix of land uses was consistent with the policy intent. Ultimately however, there was no condition imposed on the planning permit formally tying these commercial spaces with the Jewish community, including any references within the endorsed documentation and plans and this is considered to be a private arrangement between the developer and a third party. The exception to this is a venue management plan condition imposed on the permit, which makes specific reference to the Scholem Aleichem College. Reference to this college was only made however as a means of limiting patron numbers, rather than restricting the use for school purposes only.

As part of the current permit application, in the applicant's planning report it is mentioned that the proposed place of assembly will be operated by the Jewish Cultural and Arts Precinct organisation. The space will incorporate a museum/library as well as a function space and will regularly be used by the Sholem Aleichem College and will be available for use by the community. This space remains in the same location with a similar floor layout to the endorsed place of assembly, albeit with a slightly reduced floor area. As far as what is described on the proposed plans however, the commercial space will ultimately be approved as a 'place of assembly' and the responsible authority will have no control over specific tenants utilising the space, aside from patron management as part

of a venue management plan. This is as per the arrangement under the current permit issued by Council.

Traffic and car parking

As previously discussed, whilst an overall net surplus of spaces for commercial uses is proposed in accordance with statutory requirements, only 15 of these spaces are now allocated towards the Place of Assembly use, representing a parking reduction of 15 spaces.

At no stage during the original GE/DP-34187/2021 application assessed by Council, did the permit applicant propose a reduction in parking for any of the proposed uses. The VCAT decision plans continued to show an excess of parking proposed for the uses, which ultimately became further exaggerated once VCAT imposed the Condition 1 requirements on the permit. Due to the required deletion of the top three levels of the southern tower, this reduced the number of dwellings by 20, however the basement layout and total number of car parking spaces remained the same as there was no requirement in the permit conditions for these to be modified. This resulted in a parking surplus of four spaces allocated towards the residential uses and 39 spaces allocated towards the commercial uses as part of the plans ultimately endorsed, in accordance with statutory requirements.

As part of the current application, despite the significant increase in parking demand imposed by the revised dwellings, an excess of parking spaces is still proposed in accordance with statutory requirements. From what was a parking surplus of four spaces allocated towards the residential uses has now increased to a statutory surplus of ten spaces. In addition to this, the supermarket parking provision is also proposed to have a surplus of 19 spaces. This surplus of residential and supermarket spaces is considered inappropriate given the development is now proposing a significant reduction of parking for the place of assembly and office uses. It is acknowledged that both of these uses were proposed to have a surplus of spaces as part of the original endorsed plans, however this was part of a development proposal which proposed no reduction in parking for any of the uses. Removing the excess parking spaces and reallocating towards the uses where parking reductions are proposed is therefore recommended. This will ensure the office and place of assembly uses aren't burdened by a lesser rate of car parking whilst also ensuring the development is not unnecessarily increasing parking demand for the residential and supermarket uses. Providing excess parking allocation to various uses can lead to unnecessary additional vehicle movements within the local street network, as opposed to encouraging more sustainable transport options being utilised.

Another consideration of the Tribunal during P11383/2021 was the traffic impacts of the proposal on the neighbouring local streets, which formed part of the objector party grounds. VCAT acknowledged that the proposal would generate additional traffic on local streets, however ultimately saw it as being an acceptable outcome as the majority of traffic would likely only travel along a small stretch of Selwyn Street, to and from the main vehicle entrance to the building. In comparison to the VCAT decision plans, the total number of apartments is being reduced from 155 down to 148, whilst the various commercial floor areas have been slightly reduced in size too. Whilst it is acknowledged the total parking demand and likely vehicle movements into the development are proposed to increase when compared with the endorsed plans, the traffic impacts will however be less than that of the plans VCAT decided upon, which were ultimately considered to be acceptable from a local road impact perspective.

Car parking design standards

In comparison to the endorsed plans, the proposed basement layout remains very similar in terms of the locations of the parking spaces, ramps, aisles and the entrance from Selwyn Street. The shared loading dock has changed in layout, however supporting swept path diagrams have been provided which demonstrate safe vehicular movement from the rear laneway access. The most significant access change proposed is for the private waste collection truck servicing the apartments. Collection is now proposed via basement levels 3 and 4, when previously this was limited to the shared loading dock. Council's traffic engineer has however reviewed the supporting swept path diagrams for the collection vehicle and is satisfied that this change will continue to allow for safe vehicular access.

Construction Management Plan

On 23 July 2024, the permit applicant submitted a Construction Management Plan (CMP) to Council in accordance with Condition 15 of the permit.

15. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:

- (a) Delivery and unloading points and expected frequency;*
- (b) Truck haulage routes, circulation spaces and queuing lanes. Truck haulage routes must exclude Sinclair Street unless agreed to in writing by the Responsible Authority;*
- (c) Details how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Sholem Aleichem College. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;*
- (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;*
- (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;*
- (f) Any requirements outlined within this permit as required by the relevant referral authorities;*
- (g) Hours for construction activity must only occur within the following hours:
 - i 7am to 6pm – Monday to Friday;*
 - ii 9am to 3pm – Saturdays;*
 - iii No construction on Sundays or public holidays;**
- (h) Measures to control noise, dust, water and sediment laden runoff;*
- (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
- (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots; and*

- (k) *Measures to prevent vehicles blocking the laneway adjoining the property to the south (rear of properties fronting Glen Huntly Road).*
- (l) *Vibration intensive activities be conducted away from adjacent vibration sensitive buildings as practical or, where not avoidable, undertake vibration monitoring, with appropriate stop-work triggers, should vibration thresholds be exceeded.*

This matter was considered by Council at a special meeting dated 20 August 2024 where it resolved to refuse the application on the following grounds:

- 1
 - (a) *Insufficient information has been provided for construction truck access during the later stages of excavation when they can no longer enter the subject site to be loaded.*
 - (b) *Insufficient safe provision of pedestrian access provisions have been provided as follows:*
 - (i) *Hoarding is proposed to extend 1200mm from the boundary and two work zones proposed along Selwyn Street. A minimum of 1500mm must be provided to allow a sufficient pedestrian accessway.*
 - (ii) *Similarly on Sinclair Street, given the trees on nature strip along both sides of site, there is no space for a diversion along that area.*
 - (iii) *It is unclear how a gantry will fit on Selwyn Street during Stage 1 if hoarding is located 1200mm from the boundary and there are trees on nature strip.*
 - (iv) *Stage 3 references “part footpath closure” but it is not made clear if this also applies to Stages 1 and 2.*
 - (c) *No information has been included with respect to footpath or road occupancy.*
 - (d) *No information has been included with respect to construction lighting.*
 - (e) *No information has been included with respect to vehicles blocking the rear laneway.*
 - (f) *No information has been included in the Construction Noise and Vibration Management Plan regarding stop work triggers; and*
- 2 *Council does not agree to the truck haulage routes outlined as “Option B” in the submitted Construction Management Plan. For the sake of clarity, truck haulage routes must exclude Sinclair Street.*

The permit applicant submitted to Council a preferred option of a trucking haulage route during the construction stage which included Sinclair Street, contrary to permit condition 15(b). The origins of this permit condition date back to the first planning application for the subject site (GE/PP-31572/2018) during the VCAT process. The condition was drafted by Council as part of a set of draft conditions created in order to assist the Tribunal with what conditions should be included on the permit, in the event they determined to approve the application. Ultimately VCAT determined to refuse the application in this instance, however this condition was carried over as a draft condition into the GE/DP-34187/2021 permit application. It is considered that the intent of the condition was to respond to concerns raised through objections from residents regarding truck movements. There have been extensive submissions made towards the previous applications with respect to the impacts of trucks associated with the Woolworths Supermarket, particularly on the local street network of St Georges Road and Sinclair Street.

Council's decision to refuse the condition of permit application was appealed to VCAT, however before the scheduled hearing could take place, the permit applicant decided to withdraw their proceeding. As part of the current application lodged with the Minister, there has been no further construction management plan submitted for review. Within the permit applicant's planning report submitted however, they have requested that the requirement within Condition 15(b) to exclude Sinclair Street from the truck haulage routes be not included in any permit issued as part of the current application.

Based on the direction of Council from the Special meeting dated 20 August 2024, we continue to submit that this condition is a necessary requirement to protect the amenity of residents. It is submitted that any permit issued as part of the current application continue to include Condition 15 in its entirety, as written within planning permit GE/DP-34187/2021/A.

Loading Bay Management Plan

On 1 December 2023, Council endorsed a loading bay management plan (LBMP) submitted by the permit applicant in accordance with Condition 21 of the planning permit GE/DP-34187/2021/A.

21. *Before the buildings are occupied, a Loading Bay Management Plan for all loading bays (commercial and residential) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned and generally in accordance with the Draft Loading Management Plan, prepared by Stantec, Issue B and dated 5 April 2022, but modified to include the following:*
- (a) The statement 'By notification to the Responsible Authority, reasonable additional Supermarket vehicle movements can occur during selected peak trading periods and prior to public holidays (e.g. Christmas and Easter)' deleted from Table 2.3;*
 - (b) Noise attenuations measures complying with Condition's 24 to 28;*
 - (c) Routes travelled on the local road network by commercial vehicles to the supermarket loading bay (to be via Glen Huntly Road, St Georges Road and Sinclair Street only between St Georges Road and the loading bay);*
 - (d) Details of commercial vehicle parking areas while waiting for the loading bay to become available with this not to occur within residential streets including in Sinclair Street;*
 - (e) Details of the supermarket loading bay entry door which must be acoustically rated and designed in accordance with the acoustic report at Condition 24 and which must remain closed during loading and unloading;*
 - (f) Specifications of commercial vehicles ensuring they do not exceed 14.7m in length;*
 - (g) Commercial vehicles are to enter and exit the supermarket loading bay in a forward direction at all times;*
 - (h) Frequency of commercial deliveries and details of the management of such deliveries, including limiting commercial deliveries/collection by semi-trailers to no more than one in*

any half hour period and any other measures required by the Acoustic Report approved under Condition 24;

- (i) That there will be no home delivery service vehicles;*
- (j) Maintenance and cleaning of all loading bays;*
- (k) The expected frequency and duration of maintenance of the substation via the supermarket loading dock, including details of how supermarket deliveries will be managed throughout such maintenance periods;*
- (l) Operational details of the residential loading bays including the management of new residents and bulky goods deliveries;*
- (m) Loading and unloading may only take place between the following hours, except during the drop-off (Monday to Friday: 8.15am to 9.00am) and pick-up (Monday to Friday: 3.15pm to 4.00pm) times of the Sholem Aleichem College (excluding school holidays), when no deliveries are to occur:*
 - i 7.00am-7.00pm, Monday to Saturday; and*
 - ii 9.00am-5.00pm, Sunday except with the written consent of the Responsible Authority.*

As part of the current application, the submitted Traffic Impact Assessment (TIA) makes reference to the endorsed LBMP. The TIA submits that an alternative route was approved as part of the endorsed LBMP which includes truck access down the western end of Sinclair Street in the unlikely event that a loading vehicle arrives at the site when the dock is already in use. This however is not the case as the endorsed plan simply shows only one route map which excludes access to the western end of Sinclair Street (in accordance with Condition 21(c) on the permit). It is therefore recommended that all requirements within Condition 21 of GE/DP-34187/2021/A to be included on any permit issued as part of the current application.

Recommendations

1. That the following changes are made to the advertised plans:
 - a) The height and number of storeys of both the southern and northern towers as shown on the current endorsed plans to GE/DP-34187/2021/A to be reinstated.
 - b) The east facing walls associated with the ground and mezzanine levels (the podium) be reduced in height to match the same height of this wall as shown on the endorsed plans dated 14 June 2024.
 - c) The rear of the shop/food and drink premises spaces to be glazed as per the previous permit requirement;
 - d) Mezzanine level roof landscape area facing 3 May Street to have the following notation reinstated: 'non-accessible roof, for maintenance access only'
 - e) 'Communal terrace' labels to be reinstated on the level 5 and 6 plans on the communal open space areas within the northern tower.
 - f) The surplus car spaces provided for the dwellings and supermarket uses, in accordance with Clause 52.06, be reallocated to the office and place of assembly uses so that these uses are no longer proposing a parking reduction.

2. All construction management plan requirements in accordance with Condition 15 on planning permit GE/DP-34187/2021/A be included on the permit, as follows:

15. Before the development starts, including any demolition and excavation, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The CMP must show:

- (a) Delivery and unloading points and expected frequency;*
 - (b) Truck haulage routes, circulation spaces and queuing lanes. Truck haulage routes must exclude Sinclair Street unless agreed to in writing by the Responsible Authority;*
 - (c) Details how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Sholem Aleichem College. These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;*
 - (d) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;*
 - (e) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;*
 - (f) Any requirements outlined within this permit as required by the relevant referral authorities;*
 - (g) Hours for construction activity must only occur within the following hours:
 - i. 7am to 6pm – Monday to Friday;*
 - ii. 9am to 3pm – Saturdays;*
 - iii. No construction on Sundays or public holidays;**
 - (h) Measures to control noise, dust, water and sediment laden runoff;*
 - (i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
 - (j) Any construction lighting to be baffled to minimise intrusion on adjoining lots; and*
 - (k) Measures to prevent vehicles blocking the laneway adjoining the property to the south (rear of properties fronting Glen Huntly Road).*
 - (l) Vibration intensive activities be conducted away from adjacent vibration sensitive buildings as practical or, where not avoidable, undertake vibration monitoring, with appropriate stop-work triggers, should vibration thresholds be exceeded.*
3. All loading bay management plan requirements in accordance with Condition 21 on planning permit GE/DP-34187/2021/A be included on the permit, as follows:

21. Before the buildings are occupied, a Loading Bay Management Plan for all loading

bays (commercial and residential) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and dimensioned and generally in accordance with the Draft Loading Management Plan, prepared by Stantec, Issue B and dated 5 April 2022, but modified to include the following:

- (a) The statement 'By notification to the Responsible Authority, reasonable additional Supermarket vehicle movements can occur during selected peak trading periods and prior to public holidays (e.g. Christmas and Easter)' deleted from Table 2.3;*
- (b) Noise attenuations measures complying with Condition's 24 to 28;*
- (c) Routes travelled on the local road network by commercial vehicles to the supermarket loading bay (to be via Glen Huntly Road, St Georges Road and Sinclair Street only between St Georges Road and the loading bay);*
- (d) Details of commercial vehicle parking areas while waiting for the loading bay to become available with this not to occur within residential streets including in Sinclair Street;*
- (e) Details of the supermarket loading bay entry door which must be acoustically rated and designed in accordance with the acoustic report at Condition 24 and which must remain closed during loading and unloading;*
- (f) Specifications of commercial vehicles ensuring they do not exceed 14.7m in length;*
- (g) Commercial vehicles are to enter and exit the supermarket loading bay in a forward direction at all times;*
- (h) Frequency of commercial deliveries and details of the management of such deliveries, including limiting commercial deliveries/collection by semi-trailers to no more than one in any half hour period and any other measures required by the Acoustic Report approved under Condition 24;*
- (i) That there will be no home delivery service vehicles;*
- (j) Maintenance and cleaning of all loading bays;*
- (k) The expected frequency and duration of maintenance of the substation via the supermarket loading dock, including details of how supermarket deliveries will be managed throughout such maintenance periods;*
- (l) Operational details of the residential loading bays including the management of new residents and bulky goods deliveries;*
- (m) Loading and unloading may only take place between the following hours, except during the drop-off (Monday to Friday: 8.15am to 9.00am) and pick-up (Monday to Friday: 3.15pm to 4.00pm) times of the Sholem Aleichem College*

(excluding school holidays), when no deliveries are to occur:

- i. 7.00am-7.00pm, Monday to Saturday; and*
- ii. 9.00am-5.00pm, Sunday except with the written consent of the Responsible Authority.*

4. The permit applicant to enter into a Section 173 agreement for the provision of at least 10 per cent affordable housing within the development. The affordable housing should be an even mixture of apartment typologies to the satisfaction of the Responsible Authority.