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Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

<b>Permit No.:</b>	PA2403410
<b>Planning Scheme:</b>	Glen Eira Planning Scheme
<b>Responsible Authority:</b>	Minister for Planning
<b>Address of the land:</b>	10-16 Selwyn Street, Elsternwick

### THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
Clause 32.04	Use the land for a Shop (including Supermarket), Place of Assembly and Office
	Construct two or more dwellings on a lot
	Construct a building or construct or carry out works for a use in Section 2
Clause 43.01	Demolish or remove a building
	Construct a building or construct or carry out works
	Externally alter a building
	Construct or display a sign
Clause 43.02	Construct a building or construct or carry out works
Clause 52.02	Create, vary or remove an easement under Section 23 of the <i>Subdivision Act 1988</i> .
Clause 52.05	Construct and display internally illuminated business identification signage
Clause 52.06	Reduce the number of car parking spaces

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Signature for the Responsible Authority:



**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**Demolition**

1. Before the demolition starts (or as otherwise agreed with the Responsible Authority), demolition plans must be approved and endorsed by the Responsible Authority. The demolition plans must be to the satisfaction of the Responsible Authority, be drawn to scale with dimensions and must be generally in accordance with Drawing number TP002, Revision 01, dated 24 January 2025 prepared by Fender Katsalidis.
2. The development (excluding demolition) must commence within 12 months of the completion of demolition (or as otherwise agreed with the Responsible Authority).

**Amended plans**

3. Before the development starts excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land (or as otherwise agreed with the responsible authority), amended plans must be approved and endorsed by the Responsible Authority. The plans must be to the satisfaction of the Responsible Authority, be drawn to scale with dimensions and must be generally in accordance with the architectural plans submitted with the application prepared by Fender Katsalidis (Revision 03, dated 11 February 2025) but amended to show the following details:
  - a) The fire stair relocated generally in accordance with the plans prepared by Fender Katsalidis (Revision 04, dated 3 March 2025)
  - b) The mezzanine level roof landscape area facing 3 May Street to include a notation 'non-accessible roof, for maintenance access only'
  - c) Notations to clearly identify the communal open space areas on Level 05 and 06 within the northern tower.
  - d) Detailed design plans of support structures, materials and drainage measures associated with the tower levels, demonstrating that they are integrated with the design of the building.
  - e) Demonstrate that the Level 5 communal terrace in the northern tower will not result in overlooking into apartments N-A01 and N-B01.
  - f) The ground level tenancies facing Selwyn Street provided with one entry door per tenancy.
  - g) Detailed elevations at a scale of 1:50 and sections at a scale of 1:20 showing the podium level streetscape detailing (including window reveals, door profiles and architectural features) along Selwyn Street and Sinclair Street to demonstrate all site services are integrated with the design of the building;



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- h) A minim 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres in accordance with Figure 5.3 of AS2890.1:2004 must be provided;
- i) 20% of bicycle spaces in Basement Level 3 to be horizontal rails in accordance with AS2890.3;
- j) A detailed Level 01 Communal Open Space Plan clearly demonstrating the following:
  - i. Design measures limiting overlooking and noise impacts from the communal open space areas to the Level 01 apartments with direct interface to the communal open space.
  - ii. Lighting details ensuring that the lighting does not impact on the amenity of the apartments facing directly onto the communal open space.
  - iii. Areas delineated where people will be able to use the open space for recreational or place gathering activities, ensuring they are not located immediately adjacent to habitable rooms of adjoining apartments.
- k) The externally accessible area and east facing windows of the 'Supermarket Plant' room and 'Retail – Supermarket Office' permanently 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;
- l) Overlooking impacts from the Level 01 communal open space areas, and the secluded private open space of apartment N-B03, screened in accordance with Standard D14 (Building Setback) to avoid direct views to the secluded private open space and/or habitable room windows of the following sites:
  - i. 1 St Georges Road;
  - ii. 1 and 3 May Street; and
  - iii. 16, 18 and 20 Sinclair Street.
- m) Additional information demonstrating how overlooking impacts from apartment to apartment is limited in accordance with Standard D15 (Internal views) of the Glen Eira Planning Scheme; and
- n) Any changes, built form requirements, technical information and plan notations (or otherwise) required as a consequence of any provision in this permit.



**Plan of removal of easement**

4. Before the development starts excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a plan of removal of easement must be approved and endorsed by the Responsible Authority. The plan must be to the satisfaction of the Responsible Authority, be drawn to scale with dimensions and must be generally in accordance with the architectural plans submitted with the application prepared by Fender Katsalidis (Revision 03, dated 11 February 2025).

**Layout not to be altered (use and development)**

5. The layout of the use and the development as shown on the endorsed plans, including the location and details of the signs must not be altered or modified (unless the Glen Eira Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

**Commencement of Permit**

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

**Compliance with documents approved under this permit**

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

**Retention of Architect and Landscape Architect**

8. Except with the consent of the Responsible Authority, (Fender Katsalidis Architects (or an architectural firm to the satisfaction of the Responsible Authority) and Urbis (or a landscape architectural firm to the satisfaction of the Responsible Authority) must be retained to complete and provide architectural and landscaping oversight during construction of the detailed design as shown in the endorsed plans to the satisfaction of Responsible Authority.

**Façade Strategy**

9. Before the development starts excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a Façade Strategy must be approved and endorsed by the Responsible Authority. The plans must be to the satisfaction of the Responsible Authority, be drawn to scale with dimensions and must be generally in accordance with the Architectural Plans (Revision 03, dated 11 February 2025) and Urban Context Report (dated October 2024) prepared by Fender Katsalidis, and must include the following:
  - a) A concise description by the architect of the building design concept and how the façade works to achieve this.



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- b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes, and linking them to a physical sample board with clear coding.
- c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
- d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- e) Information about how the façade will be accessed, maintained and cleaned.
- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- g) Details of materials and finishes to demonstrate these will be of high quality, robust, and require low maintenance.

The development must be in accordance with the façade strategy, to the satisfaction of the responsible authority.

**Aboriginal Cultural Heritage**

10. All works on the land must be carried out or constructed in accordance with the requirements of any approved Cultural Heritage Management Plan or otherwise in accordance with the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018* to the satisfaction of the Responsible Authority.

**Affordable Housing**

11. Before the issue of a certificate of occupancy or statement of compliance, whichever comes first (or as otherwise agreed with the Responsible Authority), the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*, in a form to the satisfaction of the Responsible Authority, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:
- a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the Responsible Authority; or

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- b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement.

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

**Landscaping**

12. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible authority), a landscape plan must be approved and endorsed by the responsible Authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the Landscape Concept Design (prepared by Urbis, dated 4 October 2024, Revision E) and must include the following:
- a) layout of landscaping and planting within all open areas of the subject land (where possible);
  - b) Details of landscaping that will provide privacy to the terrace spaces that boarder the communal areas;
  - c) Details of the use of the terraces on Level 5 and 6;
  - d) Landscaping and planting within all outdoor areas (level 1 podium, level 5 communal terrace, level 6 communal terrace, planter boxes and green walls);
  - e) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - f) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
  - g) details of surface finishes of pathways and driveways;
  - h) details of any proposed lighting within communal areas;
  - i) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - j) details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation;
  - k) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation;

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- l) The extent, depths and volumes of any planter boxes, raised garden beds, seating (and the like) associated with the landscape treatment of the site;
- m) Details of the landscaping assets to be installed including details of:
  - i. An automated irrigation system for all landscaped areas.
  - ii. The irrigation sources, supply and connections points.

**Landscape Management Plan**

13. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a detailed Landscape Management Plan must be approved and endorsed by the Responsible Authority. The detailed Landscape Management Plan must be to the satisfaction of the Responsible Authority, be generally in accordance with the Landscape Management Plan prepared by Urbis, dated 31 March 2023 and must include the following:
- a) Details of a maintenance program for the irrigation systems including flushing, checking systems integrity, monitoring sensors and calibration settings;
  - b) The allocation of responsibility to the owners corporation for the ongoing maintenance of the irrigation systems and all landscaping unless otherwise to the satisfaction of the Responsible Authority, including specific measures relating to:
    - i. maintenance of the proposed on-structure landscaping wrapping around the southern tower; and
    - ii. obligations on the owners corporation to ensure consistent maintenance and matching themes for the landscaping into the future;
  - c) Notes and diagrams detailing the maintenance of all proposed trees, shrubs, and ground covers.
  - d) Protocols for gaining access for maintenance purposes to privately owned land.

**Landscape Maintenance**

14. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority. The responsible authority may consent in writing to vary this requirement.
15. At all times the landscaping shown on the approved Landscape Plan and Landscape Management Plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority.

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**Tree Protection Management Plan**

16. Before the development starts, including demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a Tree Protection Management Plan must be approved and endorsed by the Responsible Authority. The Tree Protection Management Plan must be prepared by a suitably qualified person to the satisfaction of the Responsible Authority, be generally in accordance with the Tree Protection Management Plan prepared by Chatfield Arborists and Consultants dated 20 September 2024, and must include the following:
- a) measures that must be incorporated into the design and construction of the development to ensure the protection of any trees identified for retention, determined in accordance with *Australian Standard AS4970-2025 - Protection of Trees on Development Sites*;
  - b) the location of tree protection zones (TPZ) and tree protection fencing for trees identified for retention on a plan that is drawn to scale with dimensions.
  - c) If considered necessary by a suitably qualified arborist, any required alterations to the eastern façade at the ground level of the development adjacent to 1 May Street to accommodate the tree protection zone for Tree 2 (Pencil Pine, Glen Eira Classified Tree number 28/CTR/2020) to the extent necessary as advised by a suitably qualified arborist, including access for maintenance purposes;
  - d) The type, installation and maintenance of tree protection fencing;
  - e) Vehicular or pedestrian access within a tree protection zone;
  - f) The protection of the canopies and trunks of the specified tree;
  - g) Specific details of any works proposed in any TPZ and how impacts will be mitigated;
  - h) How canopies will be managed, including pruning;
  - i) Excavation within or near a tree protection zone;
  - j) Maintenance, including mulching and watering, of tree protection zone;
  - k) Schedule of Project Arborist inspections; and
  - l) A program to implement the proposed measures before, during and on completing construction (including demolition).
17. The tree protection measures set out in the endorsed Tree Protection Management Plan must not be altered unless with the prior written consent of the Responsible Authority.





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18. Before the development starts, including demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), tree protection fencing must be erected around any trees identified for retention on the approved and endorsed plans in accordance with the approved Tree Protection Management Plan and *Australian Standard AS4970-2025 - Protection of Trees on Development Sites*, to the satisfaction of the Responsible Authority.

**Street Trees**

19. Before the development is occupied (or as otherwise agreed with the Responsible Authority), the existing street trees (Trees 9, 22, 23, 24, and 25) as identified in the Tree Protection Management Plan prepared by Chatfield Arborists and Consultants dated 20 September 2024, must be removed and replaced at no cost to the Glen Eira City Council. The street trees will be replaced with the species, maturity and location of which will be selected by the Council's Parks Services Department.

**Public Lighting Plan**

20. Before the development is occupied (or as otherwise agreed with the Responsible Authority), a Public Lighting Plan must be approved and endorsed by the Responsible Authority. The public lighting plan must be to the satisfaction of the Responsible Authority and must include:
- a) Lighting at the entrance to the supermarket and residential lobbies;
  - b) Lighting along the Sinclair and Selwyn Street interfaces;
  - c) Lighting to loading docks; and
  - d) Lighting must be directed, shielded and of an appropriate intensity as to not impact neighbouring residence.
21. Before the development is occupied (or as otherwise agreed with the Responsible Authority), all external lighting must be provided on the land in accordance with the approved Public Lighting Plan.

**Construction Management**

22. Before the development starts including demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a Construction Management Plan (CMP) must be approved and endorsed by the Responsible Authority. The CMP must be to the satisfaction of the Responsible Authority, be generally in accordance with the CMP prepared by Construction Management Plan prepared by Mad Stare Construction Site Services, Version 2, dated July 2024, and must including the following:
- a) be prepared in accordance with the Civil construction building and demolition guide, Publication 1834 (EPA, 2020);

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- b) adopt the form of the EMP template included in the EPA guide and must address (but not be limited to) the following risks:
  - i. noise and vibration
  - ii. erosion, sediment and dust
  - iii. contaminated land and groundwater
  - iv. chemicals
  - v. waste
  - vi. Any other risks relevant to the development.
- c) Delivery and unloading points and expected frequency;
- d) Truck haulage routes, circulation spaces and queuing lanes;
- e) The use of Sinclair Street be confined to only those vehicles that are unable to safely and practically manoeuvre in Selwyn Street (i.e. require smaller construction vehicles to only use Selwyn Street via Glen Huntly Road for access and egress where safe and practical);
- f) A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
- g) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- h) Any requirements outlined within this permit as required by the relevant referral authorities;
- i) the working hours schedule for construction, building and demolition noise in the EPA guide must be replaced in the plan by the following hours:
  - i. 7am to 6pm – Monday to Friday;
  - ii. 9am to 3pm – Saturdays;
  - iii. No construction on Sundays or public holidays;
- j) Measures to control noise, dust, water and sediment laden runoff;
- k) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- l) Any construction lighting to be baffled to minimise intrusion on adjoining lots; and
- m) Measures to prevent vehicles blocking the laneway adjoining the property to the south (rear of properties fronting Glen Huntly Road).
- n) 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.

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- o) include a traffic management plan prepared by a suitable qualified person showing:
  - i. Traffic Management measures to ensure safety for pedestrians and vehicles within Sinclair Street, particularly related to the School use.
  - ii. Access routes for construction vehicles;
  - iii. Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - iv. Proposed parking locations for construction vehicles and construction workers' vehicles
  - v. Any impacts upon adjacent roads and pedestrian walkways and provision for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase;
  - vi. Details how traffic and safe pedestrian access will be managed, particularly during the drop-off and pick-up times of the Sholem Aleichem College.
- 23. At all times, the development must be carried out and complied with in accordance with the approved Construction Management Plan to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**Waste Management**

- 24. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a waste management plan must be approved and endorsed by the Responsible Authority. The waste management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Waste Management Plan prepared by Leigh Design, dated 23 September 2024 and must include the following:
  - a) Anticipated volumes of waste and recycling that will be generated and how they are determined;
  - b) The type and number of waste bins;
  - c) The type and size of trucks required for waste collection;
  - d) A plan detailing adequate areas for waste bin storage and collection for the required type and number of bins;
  - e) Frequency of waste collection;
  - f) Hours for waste collection;

The Responsible Authority may consent in writing to vary these requirements.

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25. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.
26. All waste material not required for further on- site processing must be regularly removed from the site to the satisfaction of the Glen Eira City Council. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created, to the satisfaction of the Glen Eira City Council.

**Venue Management**

27. Before the use of the Place of Assembly starts (or as otherwise agreed with the Responsible Authority), a Venue Management Plan to the satisfaction of the Responsible Authority must be approved and endorsed by the Responsible Authority. The plan must include:
  - a) A description of the nature, frequency and size of activities on the site;
  - b) Layout plans of the various intended land uses and activities;
  - c) A limitation on patron numbers as follows:
    - i. 100 persons at all times except when used for school assemblies and school activities by Sholem Aleichem College; and
    - ii. 250 persons for school assemblies and school activities for the Sholem Aleichem College;
  - d) Operating hours limited to the following:
    - i. 7am to 10pm Monday to Friday;
    - ii. 9am to midnight Saturdays; and
    - iii. 10am to 10pm on Sundays.
  - e) Noise management measures appropriate for the proposed uses of the Place of Assembly, including any measures required by the Acoustic Report endorsed under this permit.
28. The provisions and requirements of the endorsed Venue Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**Loading Bay Management**

29. Before the development is occupied (or as otherwise agreed with the Responsible Authority), a Loading Bay Management Plan for all loading bays (commercial and residential) must be approved and endorsed by the Responsible Authority. The plan must be drawn to scale and dimensioned to the satisfaction of the Responsible Authority, be generally in accordance with the Loading Management Plan prepared by Stantec, Issue E and dated 14 November 2023, but modified to include the following:

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- a) Any noise attenuations measures required by this permit;
  - b) 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);
  - c) 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;
  - d) 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 endorsed under this permit;
  - e) Section 2.3 updated to state that the loading bay will not be used by home delivery service vehicles serving residents of the development;
  - f) Operational details of the residential loading bays including the management of new residents and bulky goods deliveries;
30. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and thereafter complied with at all times to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.
31. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

**Trolley Management**

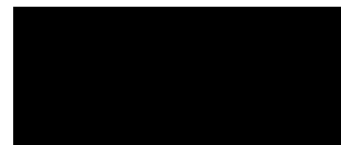
32. Before the supermarket use starts (or as otherwise agreed with the Responsible Authority), a Trolley Management Plan to the satisfaction of the Responsible Authority detailing measures for the efficient management of shopping trolleys including collection and storage must be submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and will then form part of the permit. The Trolley Management Plan must be implemented and complied with in association with the supermarket use at all times to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**Noise Attenuation**

33. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), an Acoustic Report prepared by a suitably qualified acoustic engineer must be approved and endorsed by the Responsible Authority. The acoustic report must be prepared to the satisfaction of the responsible authority, be generally in

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accordance with Acoustic Report prepared by Marshall Day Acoustics, dated 5 September 2024, and amended to include the following details:

- a) Demonstrate compliance with the requirements of Standard D16 of Clause 58.04-3 (Noise Impacts objective)
- b) Prescribe measures (whether acoustic treatment or management measures) necessary to protect nearby dwelling occupants and future residents within the building with a direct interface to commercial tenancies above, next to or below from associated commercial noise sources, including but not limited to loading dock and reversing beepers, supermarket, place of assembly (including patron and music noise), plant and equipment;
- c) Prescribe measures (whether acoustic treatment or management measures) necessary to address noise from use of the outdoor residential communal areas;
- d) Nominate the specific acoustic design and attenuation to address the place of assembly and supermarket land uses and activities and any other plant and equipment (including the condenser area) and demonstrate that the requirements of Condition 36 can be achieved.
- e) Prescribe acoustic treatment to the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development.
- f) Demonstrate that habitable rooms of new dwellings have been designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.
- g) Specify any noise attenuation measures to mitigate noise from the nearby sources.
- h) Any noise attenuation measures to mitigate noise from traffic within and surrounding the development.
- i) Compliance with noise levels specified in Standard D16 of Clause 58.04-3 (Noise Impacts Objectives).
- j) Demonstrate compliance with EPA Publication 1826.4.
- k) Any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4.
- l) Noise levels should be assessed in unfurnished rooms with finished floors and the windows closed and be based on average external noise levels measured as part of the noise level assessment.

Acoustic measures for the development must be implemented in accordance with the acoustic report. The responsible authority may consent in writing to vary any of these requirements.



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34. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a Mechanical Services Report must be submitted to the satisfaction of the Responsible Authority. The Mechanical Services Report must provide comment on suitability of supermarket equipment noise control measures set out in the Acoustic Report, including with respect to air-flow and ventilation.
35. Within two months of all of the uses commencing, an updated acoustic report prepared by a suitably qualified acoustic engineer must be approved and endorsed by the Responsible Authority. The updated acoustic report must demonstrate that the required level of noise attenuation has been achieved in accordance with the conditions of this permit or, if not, what works must be undertaken to achieve the required levels of noise attenuation. Compliance testing must be undertaken with plant equipment operating at practical worst caseloads (as could occur during hot weather in summer during the evening and night).
36. At all times noise emanating from the development must comply with the requirements of the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria, EPA Publication 1254.2 and any other relevant guideline or Australian Standard.

**Environmentally Sustainable Design**

37. Before the development starts, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), an Environmentally Sustainable Design Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Sustainability Management Plan prepared by Sustainable Development Consultants, dated January 2025 and must outline how the development complies with the requirements of Clause 53.18 and Standards D6 and D13 of Clause 58 of the Glen Eira Planning Scheme. Any Environmentally Sustainable Design features within the report must be included and shown on the plans.
38. The provisions, recommendations and requirements of the endorsed Environmentally Sustainable Design Report must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

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**Wind Assessment**

39. Before the development starts including demolition, excavation, piling, site preparation works, and works to remediate contaminated land (or as otherwise agreed with the Responsible Authority), a wind assessment must be approved and endorsed by the responsible authority. The report must be generally in accordance with the wind assessment prepared by ViPac (Revision 3, dated 20 August 2024) prepared, and include the following details:

- a) Any changes required by the conditions of this permit.
- b) Any further modifications and mitigation measures required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas.
- c) Wind impact and any mitigation measures on external balconies/communal open spaces.
- d) In accordance with wind effects requirements at Standard D17 of Clause 58.04-4 (Wind Impacts Objective).

The recommendations of the wind assessment must be implemented to the satisfaction of the responsible authority.

40. All works must be undertaken in accordance with the endorsed Wind Assessment Report to the satisfaction of the Responsible Authority. No alterations to the endorsed Wind Assessment Report may occur without the written consent of the Responsible Authority.

**Traffic and Parking Management Plan**

41. Before the development is occupied (or as otherwise agreed with the Responsible Authority), a Traffic and Parking Management Plan must be approved and endorsed by the Responsible Authority. The Traffic and Parking Management Plan must be prepared to the satisfaction of the responsible authority, and must include the following:

- a) the means by which the on-site car parking and bicycle parking spaces will be allocated and managed
- b) the location of all areas on-site and/or off-site to be used for staff and patron parking
- c) specification of staff numbers adequate to enable efficient operation of car parking areas both on-site and off-site
- d) the means by which the direction of traffic, bicycle and pedestrian flows to and from car parking areas will be controlled both on-site and off-site
- e) measures to discourage patron car parking in (specify location)
- f) measures to preclude staff parking in designated patron car parking areas
- g) staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time





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- h) The allocation of car spaces to residential and place of assembly uses within the development;
  - i) The number and location of the car spaces in the basement retail car park. All these spaces must be available for public use;
  - j) Details of any intended sharing of retail and place of assembly car parking;
  - k) Barrier mechanisms and/or paid parking arrangements, including license plate recognition measures
  - l) Details of the access arrangements through the barrier mechanisms for resident car parking, ensuring they are convenient and efficient;
  - m) Details of the system to be installed to manage car parking time restrictions and any payment for the car park:
  - n) Bicycle parking facilities including end of trip facilities and public access arrangements;
  - o) An internal signage plan for the retail carpark including directional arrows and signage, informative signs indicating location of disabled bays, small parking bays, bicycle parking, exits, restrictions, pay parking system etc;
  - p) The security arrangements for occupants of the development;
  - q) Details of way finding, cleaning, security of end of trip bicycle facilities; and
  - r) Any policing arrangements and/or formal agreements.
  - s) The number and location of 'direct to boot' car spaces associated with the supermarket.
42. The provisions, recommendations and requirements of the endorsed Traffic and Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority and must not be varied unless otherwise agreed with the Responsible Authority.

**Car park construction**

43. Before the development is occupied (or as otherwise agreed with the Responsible Authority), the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Fully constructed;
  - b) Properly formed to such levels that may be used in accordance with the plans;
  - c) Surfaced with an all-weather surface or seal coat (as appropriate);
  - d) Drained and maintained in a continuously usable condition;
  - e) Line marked to indicate each car space, loading bay and/or access lane;

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- f) clearly marked to show the direction of traffic along access lanes and driveways, all to the satisfaction of the Responsible Authority.
- 44. Vehicular crossings must be constructed to the road to suit the proposed accessways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.
- 45. Before the development is occupied (or as otherwise agreed with the Responsible Authority), all bicycle parking facilities must be installed and thereafter maintained to the satisfaction of the Responsible Authority.

**Public Realm Management**

- 46. Before the development is occupied (or as otherwise agreed with the Responsible Authority), a Public Realm Management Plan must be approved and endorsed by the Responsible Authority in consultation with Glen Eira City Council. The plan must be prepared by a suitably qualified urban design professional and must be drawn to scale and dimensioned. The plan must include the following:
  - a) Plans, elevations, treatments and materials schedules prepared in consultation with Glen Eira City Council for the following public areas:
    - i. Selwyn Street between Glen Huntly Road and Sinclair Street (frontage of the subject site);
    - ii. Sinclair Street between 16 Sinclair Street and Selwyn Street (frontage of the subject site); and
    - iii. Laneway south of the subject site between 277 and 297 Glen Huntly Road;
  - b) Description of proposed works, including proposed landscaping, surface treatments, street furniture (including signage, bins, seats, bicycle facilities, gates, fences and the like);
  - c) Details of water sensitive urban design;
  - d) A plan defining the area the works are to be undertaken; and
  - e) Vehicle and pedestrian access arrangements including any signage or safety measures.
- 47. Before the development is occupied, the requirements of the endorsed Public Realm Management Plan must be carried out and completed to the satisfaction of the Responsible Authority.

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**Environmental investigation - Preliminary Risk Screen Assessment**

48. Before the development starts (excluding any demolition or works necessary to undertake the assessment) (or as otherwise agreed with the Responsible Authority), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the responsible authority.

The PRSA must include recommendations as to whether the condition of the land requires an Environmental Audit to be conducted taking into account the proposed uses. The permit holder must comply with the findings of the Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority, including if required the preparation of an Environmental Audit.

**Environmental Audit**

49. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the responsible authority. The EAS must either:
- a) State the site is suitable for the use and development allowed by this permit; or
  - b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

**Environmental Audit Statement**

50. All the recommendations of the EAS must be complied with to the satisfaction of the responsible authority for the full duration of any buildings and works on the land in accordance with the development hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.



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**Environmental Audit Statement – Section 173 Agreement**

51. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the responsible authority to the effect that all conditions of the EAS issued in respect of the land will be complied with. The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

**Engineering Requirements**

52. Before the development starts (or as otherwise agreed with the Responsible Authority), functional layout plans to the satisfaction of the Glen Eira City Council must be approved and endorsed by the Glen Eira City Council. The plans must be prepared by a suitably qualified engineer and must be drawn to scale and dimensioned. The plans must:
- a) Include the signalisation of Selwyn Street and Glen Huntly Road with any associated widening of the Selwyn Street carriageway to facilitate separate left and right turn lanes on the south approach, generally in accordance with that shown on the Concept Plan identified as DWG No. G24495-01-01, dated 23 October 2019 and set out at Appendix A to the GTA Consultants Transport Impact Assessment, Issue D and dated 12 February 2021 (or as other agreed with the Glen Eira City Council);
  - b) Minimum 600mm clearances to be provided to existing canopies on both sides of Selwyn Street, with the two exit lanes each narrowed to no less than 2.9m in width if required;
  - c) The measures required to the St Georges Road and Glen Huntly Road intersection as shown in the Appendix D. Swept Path Assessments – External Intersections section of the Draft Loading Management Plan, prepared by Stantec, Issue B and dated 5 April 2022 (or as other agreed with the Glen Eira City Council); and
  - d) If required by Council, a 'Keep Clear' on Glen Huntly Road at the intersection with Riddell Parade.
53. Before the development is completed, the requirements of the endorsed functional layout plans must be carried out and completed at no cost to the Glen Eira City Council and to the satisfaction of the Glen Eira City Council.

**General Amenity**

54. The amenity of the area must not be adversely affected by the uses or development including through the:
- a) Transport of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works, stored goods or materials;

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- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
  - d) Traffic generated by the use, or in any other way, to the satisfaction of the Responsible Authority.
55. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.
56. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
57. All pipes, fixtures, fittings vents, plant and equipment servicing any building on the land (excluding storm water down pipes, guttering and rain heads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
58. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the responsible authority.
59. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
60. Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties or a laneway must be cleaned and finished to the satisfaction of the responsible authority.
61. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
62. Before the development is occupied all screening shown on the endorsed plans must be erected and thereafter maintained in accordance with the endorsed plans. The screening measures as shown on the endorsed plans are not to be altered or removed without the written consent of the Responsible Authority.

**Restrictions on the use of the land**

63. The supermarket use must operate only between the hours of 7am and midnight, seven days a week (Monday through Sunday).
64. The bottle shop must operate only between the hours of:
- a) 9am to 10pm Monday to Sunday;
  - b) 12pm to 10pm ANZAC Day;
  - c) No trading on Good Friday or Christmas Day.

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**Signs**

- 65. The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 66. The sign(s) must not be animated or contain any flashing or intermittent light.
- 67. The sign lighting must be designed, baffled and located to prevent any adverse effect of light spill on adjoining land to the satisfaction of the responsible authority.
- 68. The sign(s) shall only contain an advertisement which provides or supplies information relating to the business conducted on the land as described in this permit or as shown on the endorsed plans.
- 69. The sign(s), including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

**Permit Expiry (Use and Development)**

- 70. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two (2) years of the date of this permit.
  - b) The development is not completed within four (4) years of the date of this permit.
  - c) The use is not started within two (2) years of the completion of the development.

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

**Permit Expiry (Signs)**

- 71. This permit as it relates to a sign(s) will expire 15 years from the issued date of this permit. On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

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**USEFUL INFORMATION:**

**The following permit notes are for information only and do not constitute part of this permit or conditions of this permit:**

General

- A. *Condition 3 of the planning permit sets out the changes that need to happen before the use or development can start. If any other changes are made to the plans that are not generally in accordance with the decision plans, then you will be required to apply for an amendment to the planning permit under Section 72 of the Planning and Environment Act 1987.*
- B. *This planning permit represents the planning approval for the use and/or development of the land. This planning permit does not represent the approval of Glen Eira City Council or other statutory authorities. Other approvals may be required and may be assessed on different criteria from those that are considered as part of the planning permit process. You are required to ensure you comply with any obligation.*
- C. *Residents of the dwellings allowed under this permit will not be issued Residential Parking Permits (including visitor parking permits).*

Asset Engineering

- D. *No net increase in peak stormwater runoff in Council drainage network. Post development peak storm water discharge to Council drainage network must be maintained to the predevelopment level for 10 year ARI. Detailed plans and computations should be submitted to Council for approval prior any construction works.*
- E. *Drainage associated with basement construction (seepage and agricultural waters are to be filtered to rain water clarity) must be discharged to the nearest Council Drain / Pit and not be discharged to the kerb and channel.*
- F. *All stormwater runoff must be connected to Council drainage network with independent connection for each unit. No uncontrolled stormwater discharge to adjoining properties and footpaths.*
- G. *Engineering Services encourage using of rainwater tanks for storage and reuse for toilet and irrigation purpose and or stormwater detention system.*
- H. *Asset Protection Permit must be obtained from Council Engineering Services Department prior commencement of any building works.*
- I. *Any firefighting equipment for the building shall be accommodated within title boundary.*
- J. *All relevant Engineering Permits must be obtained prior any works within the Road Reserve and or stormwater connection to Council drainage network.*

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**IMPORTANT INFORMATION ABOUT THIS PERMIT**

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**WHAT HAS BEEN DECIDED?**

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The responsible authority has issued a permit.

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

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**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

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

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

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

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**WHEN DOES A PERMIT EXPIRE?**

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

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**WHAT ABOUT REVIEWS?**

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

