



SYDNEY EASTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT – MODIFICATION APPLICATION

PANEL REFERENCE & DA NUMBER	PPSSEC-315 – DA/887/2018/B
PROPOSAL	Section 4.55(2) - Modification to the approved development to include a new supermarket, relocate the loading area, additional level of basement parking, new through site link, reduced apartment yield from 131 to 111, external façade changes and adjusted floor levels.
ADDRESS	150-162 Barker Street, 1 Jane Street, 8-20 Young Street, Randwick 2031 The development site (5,151m ²) comprises eight (8) allotments in accordance with the following: <ul style="list-style-type: none"> • 8-12 Young Street, Randwick Part Lot 1 DP 87614 • 158-162 Barker Street, Randwick Corner Lot 1, DP 1041725 Pt Stable 2 • 156 Barker Street, Randwick Lot 4 DP 165055 • 152-154 Barker Street, Randwick Lot 1 DP 81877 & Lot 4 DP 1039981 • 150 Barker Street, Randwick Lot 1, DP 932027 • 1 Jane Street, Randwick Lot B DP 344447 • 158-162 Barker Street, Randwick Corner Lot 1, DP 1041725 Pt Stable 2
APPLICANT	Cbus Property Sydney Residential Pty Ltd
OWNER	Cbus Property Sydney Residential Pty Ltd
MOD LODGEMENT DATE	31 January 2023
ORIGINAL DA (DETERMINATION DATE)	Stage 2 development of Lots N1 and N2 of Newmarket site, including shop-top housing on Lot N1 with 3 buildings – 2 x 8 storey buildings fronting Barker Street with commercial uses and 49 carparking spaces at ground level, 74 basement level car parking spaces, a 3 storey shop top housing building at the southern. Lot N1 contains a total of 131 dwellings, landscaping and associated works. Lot N2 is developed with a part two part 6 storey building containing 15 x two storey multi-dwellings at ground and first floor level, 30 dwellings above and 57 basement parking spaces, landscaping and associated works. Application determined 30 July 2019 - SECCPP.

APPLICATION TYPE	S4.55(2) Modification Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2 of Schedule 6 of SEPP Planning Systems 2021: General Development over \$30million. Environmental Planning and Assessment Regulation 2021 – Development that contravenes a development standard by more than 10%.
CIV	\$107,658,955.00 (including GST)
CLAUSE REQUESTS 4.6	N/A – Section 4.55(2) Merit assessment of height breach included below.
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021.</i> • <i>State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)</i> • <i>State Environment Planning Policy (Building Sustainability Index: BASIX) 2004.</i> • <i>Randwick Local Environmental Plan 2012.</i> • <i>Randwick Development Control Plan 2013.</i> • <i>Newmarket DCP 2013.</i>
SUBMISSIONS	Two (2)
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Modified Architectural Plans • Revised Cost Report Form • Revised BASIX Certificate • Loading Dock Management Plan and Acoustic Statement.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	14 May 2024
PLAN VERSION/S	Amended Plan Set (Rev. 5 to 25).
PREPARED BY	Ferdinando Macri
DATE OF REPORT	3 May 2024

1. EXECUTIVE SUMMARY

Council is in receipt of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act (as amended), seeking consent to modify (“B”) Development Consent DA/887/2018.

The original development application was approved on 30 July 2019 by the Sydney Eastern City Planning Panel (SECPP) as it had a capital investment value over \$30 million and is defined as Regionally Significant Development, pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 (subsequently Schedule 6 of the new State Environmental Planning Policy (Planning Systems) 2021).

The current approval comprises the Stage 2 development of Lots N1 and N2 of Newmarket site, including shop-top housing on Lot N1 with 3 buildings – 2 x 8 storey buildings fronting Barker Street with commercial uses and 49 carparking spaces at ground level, 74 basement level car parking spaces, a 3 storey shop top housing building at the southern. Lot N1 contained a total of 131 dwellings, landscaping and associated works. The original consent approved a height of building (HOB) 27m above the 25m maximum and a compliant FSR with precinct floor space Newmarket Masterplan Cap.

This modification application (Section 4.55 of the Act) is referred to Sydney Eastern City Planning Panel for determination in accordance with the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* published on the NSW planning portal on 30 June 2020, which states that Section 4.55(2) modification applications are to be referred to the Panel for determination when development contravenes a development standard imposed by an environmental planning instrument by more than 10%.

This modification application seeks to include a new supermarket, relocate the loading area, additional level of basement parking, new through site link, reduced apartment yield from 131 to 111, external façade changes and adjusted floor levels resulting in an overall building height increase.

The Section 4.55 modification application was publicly notified to surrounding property owners, and previous objectors and advertised on Council’s website with site notification attached to the subject site in accordance with Randwick Council Community Consultation Plan. Two submissions by way of objection were received during the notification process. The application was also referred to Council’s Development Engineer, Landscaping Officer, Environmental Health Officer, Design Excellence Advisory Panel and Heritage Planner for comment and/or recommendation who raised no objection to the proposed modifications subject to design refinements and amended consent conditions.

The key issues associated with the proposed modification application relate to the amended basement parking rate compliance, the relocation of the loading zone driveway and whether the proposed building height variation has demonstrated an acceptable development outcome.

In short, the revised parking provision will remain compliant with the DCP and conditions have been recommended to manage loading dock acoustic impacts and prevent heavy vehicle access to surrounding low-density residential streets. A Clause 4.6 assessment has also been undertaken in relation to the proposed building height variation, which evaluated that the increase of building height predominantly related to the recessed plant overruns

would not result in unacceptable amenity impacts and has satisfied the objectives of the applicable zone and development standard. The proposed amendments are considered to satisfy the objectives of the control and uphold the intent of the original reasons for approval, notwithstanding the variation from the numeric requirement.

The development remains substantially the same as a result of the proposed modification in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act (as amended), and the proposed amendment shall not alter the intent of the original development.

The proposed changes do not result in any unreasonable adverse impacts upon the built or natural environment, nor unreasonably impact upon the residential amenity of surrounding properties.

In view of the above and assessment of the relevant matters for consideration under Section 4.15(1) and 4.56 of the EP&A Act, it is considered that the proposed modification can be supported, and the application is recommended for approval.

2. THE SITE AND LOCALITY

2.1 The Site

The development site comprises eight (8) allotments across 150-162 Barker St, 8-12 Young St & 1 Jane St, Randwick 2031 and is located

The Newmarket Site includes several allotments and is bound by roads including, Young, Jane, Botany, Barker, Middle and Meeks Street. Topographically the development site falls from north to south and from west to east.

The subject DA is situated on Lots N1 & N2 at the northern end of the site known as the northern precinct, at 150-162 Barker Street, 1 Jane Street, 8-20 Young Street, Randwick. The proposed modifications are solely related to Lot N1, which has a site area of 5,151sqm (excluding the existing and new roads) identified in **Figure 3** below. The site accommodates a large single-storey horse stable with associated landscaping and structures and low-density residential accommodation along part of the Barker Street frontage. The allotments applicable to the subject N1 Site are outlined in the below table.

Address:	Lot and DP number
8-12 Young Street, Randwick	Part Lot 1 DP 87614
158-162 Barker Street, Randwick	Corner Lot 1, DP 1041725 Pt Stable 2
156 Barker Street, Randwick	Lot 4 DP 165055
152-154 Barker Street, Randwick	Lot 1 DP 81877 & Lot 4 DP 1039981
150 Barker Street, Randwick	Lot 1, DP 932027
1 Jane Street, Randwick	Lot B DP 344447
158-162 Barker Street, Randwick	Corner Lot 1, DP 1041725 Pt Stable 2

Table 1: Addresses associated with the Newmarket N1 Site.

2.2 The Locality

The immediate context of the subject site, to the west along Jane Street and to the south along Middle Street are single and two storey dwelling houses. To the east is the eastern precinct. Developments to the north of Barker Street, the Prince of Wales Hospital Precinct. See **Figure 2** of the site and surrounds.



Figure 1: Newmarket site identifying northern, southern and eastern precincts (Source: Urbis SEE)



Figure 2: N1 & N2 Site & surrounds (Source: Urbis SEE)

3. THE PROPOSAL AND BACKGROUND

3.1 The Proposed Modification

The application seeks consent for a Section 4.55(2) - Modification to the approved development to include a new supermarket, relocate the loading area, an additional level of basement parking, a new through site link, a reduced apartment yield, external façade changes and adjusted floor levels. The detailed amendments are outlined in the below table.

Floor Level	Proposed Amendment
Basement B2	<ul style="list-style-type: none"> New carpark level proposed to transfer car spaces formerly accommodated on the ground floor and increase the approved car parking total from 122 to 194 spaces (77 additional) to support the increase of retail floor area. Application referred to WaterNSW for consideration of additional basement excavation.
Basement B1	<ul style="list-style-type: none"> Increased excavation extent further north towards Barker Street frontage to accommodate additional parking and the reconfiguration of bicycle parking, storage, and plant facilities. Provision of a supermarket escalator linking to ground level. Provision of new internal basement ramps and gradients connecting the ground level entrance with the Basement Level B1 and the new Basement Level B2.
Ground	<ul style="list-style-type: none"> Conversion of sleeved parking area into a supermarket (with a retail area of 899sqm and 321sqm of back of house area) and revised configuration of retail units to provide additional tenancies and street activation, resulting in the increase of Retail GFA from 1,286m² to 2,333m² (+1,047m²). Provision of arcade style through site link connecting Barker Street, Young Street, and the proposed ST2 road reserve. Relocation of loading dock from south-eastern portion of the site to the intersection of Jane Street and proposed Street ST2 in the south-western corner of the site. The loading dock was increased in size to support the operational requirements of a new supermarket use. Relocation of basement driveway access further to east on Proposed Street ST2 and the provision of flood gating as a part of the driveway entrance. Consolidation of waste storage areas from individual residential cores to centralised area adjacent to loading dock and within basement levels. Revised configuration of retail units to provide additional tenancies and street activation. Provision of retail toilet amenities.
Residential Levels 1 – 7	<ul style="list-style-type: none"> Amendment to apartment mix through the provision of additional 3-bedroom units, the overall decrease of yield from 131 to 111 (-20), the modulation of balconies to provide larger apartment internal floor area, service riser reconfiguration, and the increase of residential GFA from 10,946m² to 11,031m² (+85m²). Infill of northern podium void to accommodate additional courtyard private open space. Modulation of southern podium void.

Rooftop	<ul style="list-style-type: none"> Increased building height ranging from 400mm to 2.85m to provide increased floor to ceiling heights, loading dock clearances, NCC regulation compliance and the inclusion of additional acoustic plant screens. The proposal results in a variation to the masterplan building height from 400-800mm to parapets and to a maximum 2.45m on the taller N1.1 and N1.2 towers (8 storeys) and 2.85m on the N1.3 tower (3 storeys) for overruns and service enclosures (ranging from 7.4% - 17.8% variation). Reconfiguration of solar panel and mechanical plant layout.
Façade	<ul style="list-style-type: none"> Amendment to balustrade detailing, mid-level balcony openings, the proportion of aluminium cladding to masonry materiality on the upper levels and lower-level colonnade opening design.



Figure 3: Photomontage from Barker Street.

3.2 Background

Details of Current Approval

Development Application DA/887/2018

The SECPP granted consent to Development Application No. DA/887/2018 for the demolition of existing structures and the construction of the N1 and N2 development lots on 30 July 2019. The subject modification is applicable to the N1 lot (shown in **Figure 1** below), which comprised the construction of a shop top housing development containing three tower elements above a common commercial podium and basement carpark.

The proposal included two 8 storey towers with frontage to Barker Street and Young Street (N1.1 & N1.2) and a 3 storey tower (N1.3) adjacent to the intersection of the proposed ST2 road reserve and Jane Street. The development was approved with 1,329sqm of ground level commercial premises and 49 centrally sleeved carparking spaces, 74 basement car parking spaces (123 total car spaces) and a total residential yield of 131 dwellings and 10,733sqm of residential GFA. The approved dwelling matrix of each tower is outlined as follows:

- Building N 1.1 contains 52 apartments (24 x 1-bedroom apartments and 28 x 2-bedroom apartments);
- Building N1.2 contains 58 apartments (24 x 1-bedroom apartments, 26 x 2-bedroom apartments and 8 x 3-bedroom apartments); and
- Building N1.3 contains 21 apartments (15 x 1-bedroom apartments and 6 x 2-bedroom apartments).

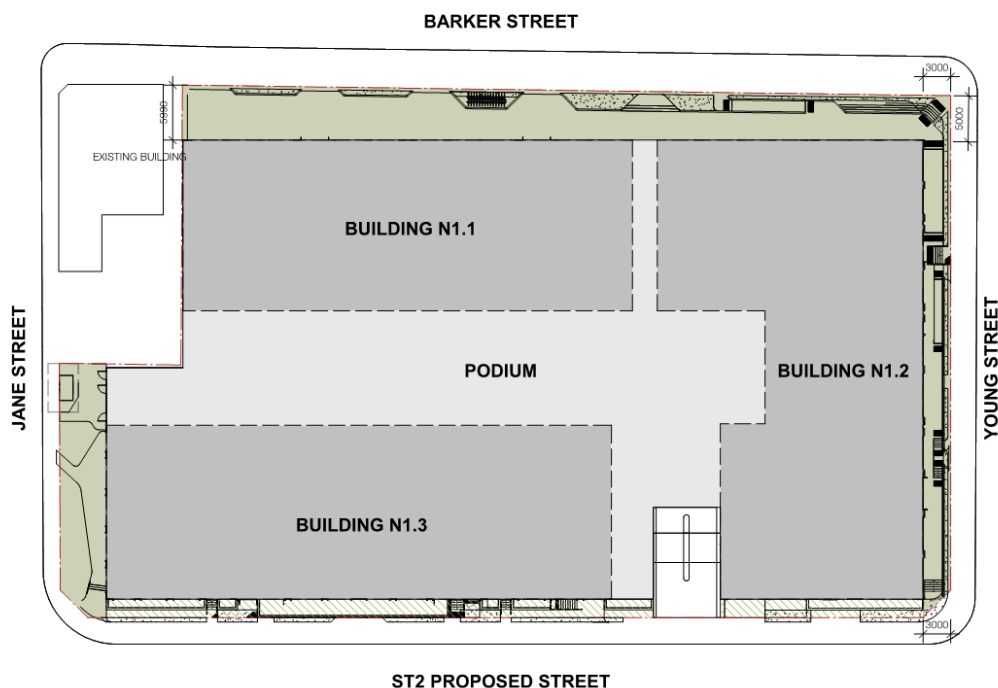


Figure 4: Approved Site Plan and Development Layout

Modification DA/887/2018/A was recently approved on 18 August 2023 to amend the N2 development site, with revisions comprising of an increase in floor to floor height of all levels by 100mm, lowering ground floor level, reduction of total dwellings from 45 to 42, increase number of solar panels, changes to the internal configuration of dwellings including balcony shapes, revised basement layout including increase parking spaces from 57 to 63, changes to external materials.

Subject Modification Application

The subject modification application (DA/414/2020/A) was lodged on 31 January 2023. The application was externally referred to Water NSW, Transport for NSW and Sydney Airport Corporation. The application was internally referred to Council's Heritage Planner, the Design Excellence Advisory Panel, Environmental Health Officer, Landscaping Officer and Development Engineer for comment and recommendations.

Council issued a request for information in March 2023. In response, the applicant provided the following amended information to address the concerns raised at the preliminary assessment stage and in public submissions:

- BASIX certificate
- GFA calculation schedule

- Heritage impact statement
- Acoustic statement
- Waste statement
- Basement dewatering documentation.
- Revised loading dock configuration and associated management plan.
- Clarification regarding the consistency of the minor awning alignment encroachment within the 3m setback zone on Young Street.

A Design Excellence Advisory Panel (DEAP) meeting was held on 9th of August 2023 to review the proposed modifications to the façade materiality and design. The Panel was supportive of the changes to upper-level steel cladding, along with the introduction of outdoor dining zones, additional retail activation and a new supermarket at ground level. In addition, the Panel recommended that the façade revert to a design which facilitates additional aperture diversity, varied materiality to the western blank wall and that reinstated the previous arched awning configuration. Design improvements were also suggested regarding the removal of the arched loading dock opening, the Jane Street footway width, the provision of skylights above the through site link and configuration of common vertical circulation.

The applicant submitted a revised plan set on the 29th of November 2023, which has incorporated the recommendations of the Panel that align with the scope of the proposed modification. A summary of design revisions is provided as follows:

- The reinstatement of double-storey façade apertures.
- Additional cladding and material diversity to the western wall interface.
- The addition of an arched awning above the through site link entrance and a curved awning design to facilitate articulation at street level.
- The provision of a conventional rectangular loading dock access opening and podium skylights above the through site.

Further revisions were also requested on the 22nd of February 2024, to reduce the height of the N1.3 rooftop plant enclosure and more closely align overrun structures with 12m masterplan height limit. Amended plans in response to Council's concerns were issued on the 2nd of April 2024.

4. STATUTORY CONSIDERATIONS

When determining a modification application, the consent authority must take into consideration the matters outlined in 4.55(2) of the EP&A Act in relation to modification of consents provisions and Part 5 of the 2021 EP&A Regulation in relation to information requirements and notification (in this instance the EP&A Regs 2000 given the date the application was lodged, and the savings provisions contained within the 2021 Regs). These matters are considered below.

4.1 Section 4.56 of the EP&A Act

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the consent if the below matters are satisfactorily addressed pursuant to Section 4.55(2) of the EP&A Act. The matters include the following:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all) (s4.55(2)(a)), and*

In order to establish if development is substantially the same as what was granted consent, reference is made to the case of *Moto Projects (No.2) v North Sydney Council [1999] NSW LEC 280*, which provides the following judgement:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified.....

....The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development is granted).

Consideration is also given to recent LEC rulings of *Realize Architecture Pty Ltd v Canterbury-Bankstown Council [2023] NSWLEC 1437* and *Canterbury-Bankstown Council v Realize Architecture Pty Ltd [2024] NSWLEC 31*, where the consent authority must undertake a ‘balanced’ approach through the application of a 3 step formula as per the following:

1. Finding the primary facts
2. Interpreting the law
3. Categorising the facts found

The proposed modifications are not considered to result in a development that will fundamentally alter the originally approved development, noting that the internal and external reconfigurations relate to the amendment of the previously approved Lot N1 development in a manner that predominantly retains the approved land use, number of storeys and overall building footprint in the modified scheme. The minor façade amendments, overall building height and rooftop overrun layout changes, the relocation of the loading zone and basement driveways, the enlargement of the basement envelope to facilitate additional parking and the expansion of the ground level retail are not considered to materially alter the scope or environmental impact of the approved development. As such, the proposal is considered to result in substantially the same development on balance and in the context of the original approval.

The term “substantially” means “essentially or materially having the same essence”. The intent of the proposed development remains the same as the approved development, providing a shoptop development comprising commercial premises at the ground level, with residential accommodation above and it is essence of the use is consistent with that approved. Furthermore, the development as modified continues to fall within the scope of the original description, being construction of a development comprising commercial premises, residential accommodation, and basement parking.

In view of the above, and the judgement in *Moto Projects (No.2) v North Sydney Council*

[1999] NSW LEC 280 and *Realize Architecture Pty Ltd v Canterbury-Bankstown Council* [2023] NSWLEC 1437 and *Canterbury-Bankstown Council v Realize Architecture Pty Ltd* [2024] NSWLEC 31, it is considered in this instance the fundamental characteristics of the development would remain the same and as such the consent authority can be satisfied that the resultant development is considered substantially the same development as originally approved noting the evaluation of the primary facts in terms height, bulk, scale, floor space, open space and land use.

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person (s4.55(2)(c)), and*

The development proposes to increase the extent of basement excavation and the modification was accordingly referred to WaterNSW for the reconsideration of the integrated development provisions under the Water Management Act 2000. The concurrence of the public authority and revised general terms of approval were provided to Council on 10 July 2023 for inclusion within the updated consent.

In addition, Sydney Airport Corporation did not raise concern in relation to the proposed building height and overrun increase, subject to amended consent conditions. A summary of each authority's comments is outlined in the referral section below.

The Section 4.55 modification application was publicly notified to surrounding property owners and to any previous submitters/objectors and advertised on Council's website with site notification attached to the subject site in accordance with Randwick Council Community Consultation Plan. Two (2) submissions by way of objection to the proposal were received during the notification process.

- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be (s4.55(2)(d)).*

Submissions have been considered as a part of the assessment. Refer to **Section 5.3** below for the summary of issues raised and Council's response.

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified (s4.55(3)).

The matters required to be considered include:

- Matters for consideration pursuant to Section 4.15(1) of the EP&A Act – these matters are considered below in Section 3.2 of this report; and

- Reasons given by the consent authority for the grant of the consent that is sought to be modified – outlined below.

Reasons for Grant of Consent

REASONS FOR THE DECISION

Prior to determining the application, the Panel considered the clause 4.6 variation request and is satisfied that the variation request is well founded in the circumstances as it achieves a more streamlined bulk and scale across Barker Street with the existing development in the eastern precinct and the higher built form across the road at the Neurosciences Building.

As such, the Panel accepts that the variation of the standard is consistent with the objectives of the zone and of the development standard, that strict compliance with the standard is unreasonable and unnecessary in this case, and that there are sufficient environmental planning reasons that the development as a whole is in the public interest for the variation to be granted.

The Panel noted the applicant's objection to condition 2a in relation to the design of the roof, and the views of Council's design review panel in this regard. The Panel is satisfied however that the architects have carefully thought through the roof design, and that this has been proposed in its current zig-zag format in response to the heritage context, and to differentiate the building from generic designs which apply a floating roof form. As such, the Panel has agreed to deletion of condition 2a.

With regard to condition 4a, the Panel was advised that this is a late addition by Council's heritage architect in regard to the rear walls of the proposed building, which had not been discussed with the applicant. The Panel noted that the walls in question largely face the rear of properties at the back of the city block, and the side wall of a cottage on Middle Street. As such the elevations are not immediately visible from, and do not have any significant impact on, the streetscape or public domain. The Panel is accordingly supportive of the applicants request that this condition be deleted.

Overall, the Panel considers that the development proposes a built form and spatial relationship with the public domain that will contribute to the existing and desired future character of the area. The proposal does not result in any significant or unreasonable adverse impacts on surrounding properties and the non-compliances with statutory and policy controls will not exacerbate impacts in an unacceptable manner.

Voting against the decision was Murray Matson. He did not accept the argument in the clause 4.6 variation request seeking to exceed the concept approval height. Further, he noted that the concept approval already exceeded the planning proposal height.

Additionally, Murray Matson did not accept the merits for a decrease in commercial car parking from the approved concept plan.

The modification application does not appreciably alter any external elements of the scheme that would hinder the ongoing attainment of the relevant objectives or standards achieved by the approval issued by the SECPP. Noting that the proposed amendments will predominantly retain compliance with LEP and DCP requirements, except for a further height breach related to plant facilities. This is discussed in detail within the key issues section of this report.

4.2 Section 4.15(1)(a) of the EP&A Act

Section 4.15(1) of the EP&A Act contains matters which the consent authority must take into consideration in determining a development application and modification applications pursuant to Section 4.56(1)(a), which are of relevance to the application.

4.2.1 Section 4.15(1)(a) - Provisions of Environmental Planning Instruments,

The relevant provisions under s4.15(1)(a) are considered below.

(a) **Environmental planning instruments (s4.15(1)(a)(i))**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)*
- *State Environment Planning Policy (Building Sustainability Index: BASIX) 2004.*
- *Randwick Local Environmental Plan 2012.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
BASIX SEPP	An amended BASIX Certificate was provided noting the amendments proposed to the residential component of the development. Conditions of consent in relation to compliance with the BASIX provisions and required documentation are to be maintained within the development consent, subject to the inclusion of the revised certificate being referenced in condition 1.	Y
State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)	The development will remain compliant with the SEPP and associated Apartment Design Guide, with the proposed internal reconfigurations to provide for additional 3-bedroom apartments retaining compliance with the controls for apartment and balcony sizes, along with living room and bedroom dimensions. In addition, ventilation, solar access remains compliant in the modified proposal and will retain a consistent onsite landscaping provision within the podium and public domain.	Y, consistent with original approval or improved compliance demonstrated.
State Environmental Planning Policy (Housing) 2021)	Schedule 7A Transitional and savings provisions does not apply SEPP Housing 2021 to a development consent made but not determined prior to commencement date (26 November 2021). Applicable policy is therefore the	NA

EPI	Matters for Consideration	Comply (Y/N)
	<i>State Environmental Planning Policy No. 65.</i>	
State Environmental Planning Policy (State and Regional Development) 2011	Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011: The original development is defined as General Development with a capital investment value over \$30million.	Y
State Environmental Planning Policy (Planning Systems) 2021	Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: The original development is defined as General Development with a capital investment value over \$30million.	Y
LEP	<ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zone objectives • Clause 4.3 – Height of Buildings • Clause 4.4 – Floor Space Ratio • Clause 5.10 – Heritage Conservation • Clause 6.11 – Design Excellence <p>The proposed modifications are ancillary to the approved development, which will remain substantially the same. The development remains consistent with the general aims and objectives of the RLEP 2012. Noting there are no changes proposed to land use of the development and the proposal will continue to facilitate a shop top housing development form through the expansion of ground floor retail and the provision of an additional basement carpark level to support the increase to onsite parking demand. Furthermore, the proposed increase in GFA from 12,369m² to 13,338m² through the expansion of retail activation and a new supermarket on ground level will retain compliance with the concept approval masterplan floorspace cap. The proposed changes are predominantly accommodated within the approved building envelope and will not substantially alter the impacts of the proposal on the heritage conservation area or surrounding heritage items.</p>	N (partial), non-compliance retained with building height. Refer to key issues section below.

EPI	Matters for Consideration	Comply (Y/N)
	<p>Application referred to Randwick Design excellence advisory panel and supported subject to plan amendments for the satisfaction of Clause 6.11.</p> <p>A merit assessment of the proposed building height breach is assessed below.</p>	
DCP	<ul style="list-style-type: none"> • Randwick Development Control Plan 2013 and Newmarket DCP 2013. <p>The amended landscaping design is generally consistent with the original approval and no concerns were raised by Council's Landscaping Officer in response to the modified scheme. The original landscaping conditions have been retained in the consent with minor reference changes to reflect the updated modification plan set.</p> <p>The relocation of the loading dock in the proximity of the ST2 and Jane Street intersection has been conditioned with restricted operational hours to address concerns for acoustic impacts. In addition, a new consent condition has also been included in the modified consent to facilitate the delivery of an intersection traffic control measure that prevents heavy vehicle access on Jane Street to the satisfaction of Council's Coordinator of Integrated Transport and the Randwick Traffic Committee, prior to the release of any occupation certificate.</p> <p>An assessment of the additional basement parking level and the proposed increase to the onsite parking rate is provided in the key issues section below.</p> <p>Furthermore, each of the proposed amendments have been reviewed by Council's internal technical specialists, WaterNSW and the Randwick Design Excellence Advisory Panel and was supported subject to revised conditions.</p>	Y

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 ('BASIX SEPP') applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development for residential components of the scheme.

The subject modification application was accompanied by an amended BASIX Certificate committing to environmentally sustainable measures and the proposal will secure the revised commitments in an updated approved document list.

- *State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development) Replaced by State Environmental Planning Policy (Housing) 2021 on 26 November 2021)*

The development as modified will remain generally consistent with the provisions of the SEPP and retains compliance with the Apartment Design Guide Provisions. The application was also referred to the Design Excellence Advisory Panel for consideration of design quality.

- *State Environmental Planning Policy (State and Regional Development) 2011 (Replaced by State Environmental Planning Policy (Planning Systems) 2021 on 1 March 2022)*

The original development is Regionally Significant Development with a capital investment value over \$30 million pursuant to Section 4.7, of the Environmental Planning and Assessment Act 1979 and Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011 (or subsequently Schedule 6 of the new State Environmental Planning Policy (Planning Systems) 2021).

The consent authority for the original Development Application was the Sydney Eastern City Planning Panel (SECPP).

For this S4.55 modification application, the SECPP is the determining authority in accordance with the *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* published on the NSW planning portal on 30 June 2020.

- *Randwick Local Environmental Plan 2012*

The relevant local environmental plan applying to the site is the Randwick Local Environmental Plan 2012 ('the RLEP 2012'). The proposed development as modified remains consistent with the relevant aims and provisions of RLEP 2012, noting that the proposal for shop top housing development is maintained and that the built form is not appreciably altered, noting that compliance is retained with and FSR development standards and the minor building height increase associated with plant overruns are considered acceptable in the site context. A merit assessment of the building height breach has been undertaken in the key issues section below.

The site is located within the E1 Local Centre Zone pursuant to Clause 2.2 of RLEP 2012. As noted above, the subject modification application does not seek to change the approved use of the development which is permissible within the E1 zone.

The proposed development as modified also remains consistent with the objectives of the E1 zone to provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area, to encourage investment in local commercial development that generates employment opportunities and economic growth, to enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area and to encourage business, retail, community and other non-residential land uses on the ground floor of buildings. The proposal as modified is considered compatible with the desired future character of the Newmarket Masterplan.

The matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') are considered in **Table 3**.

Table 3: S4.15 Matters for Consideration

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	The proposed modifications comprise minor façade changes and internal reconfigurations to the approved development, which will remain substantially the same. The development remains consistent with the general aims, objectives, and applicable development standards of the RLEP 2012 and SEPP No. 65. An assessment of the building height breach has been undertaken and is considered acceptable in the context of the site and the original approval. Refer to detailed assessment in key issues section below.
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Randwick Comprehensive DCP 2013, as outlined in the above sections.
Section 4.15(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	N/A
Section 4.15(1)(a)(iv) – Provisions of the Regulations	The relevant clauses of the Regulations have been satisfied, including the amendment of the Contribution Levy under to reflect the revised cost estimate.
Section 4.15(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The proposed modifications have responded appropriately to the relevant planning controls and will not result in any significant adverse environmental, social or economic impacts on the locality.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15(1)(c) – The suitability of the site for the development	<p>The site has been assessed as being suitable for the development in the original development consent.</p> <p>The modified development will remain substantially the same as the originally approved development and is considered to meet the relevant objectives and performance requirements in the RDCP 2013 and RLEP 2012. Accordingly, the site remains suitable for the modified development.</p>
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	Submission have considered as a part of the assessment in Section 5.3 below.
Section 4.15(1)(e) – The public interest	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered the public interest.

3.3 Part 5 of the 2021 EP&A Regulation

The subject application was lodged on 31 January 2023. In accordance with the saving provisions under Schedule 6 of the EP&A Regs 2021, the 2000 Regulation continues to apply to the application not the provisions of the EP&A Regs 2021. The subject application is consistent with the relevant provisions of the Environmental Planning and Assessment Regulations 2000.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The original development application was classified as:

- Integrated Development (pursuant to s4.46 of the EP&A Act)
- Requiring concurrence/referral (pursuant to s4.13 of the EP&A Act)

Accordingly, the modification application was referred to various agencies for concurrence as required by the EP&A Act and Clause 109 of the 2021 EP&A Regulation and outlined in **Table 4**.

The relevant authorities did not raise any objection to the proposed modifications, and the original conditions of consent imposed are to be retained.

Table 4: Concurrence and Referral Agencies

Agency	Concurrence / referral Trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Water NSW	s90 of the Water Management Act 2000	General terms of approval issued under the Water Management Act 2000 for water supply work and the inclusion within the modified development consent.	Y, amended conditions included in consent.
Sydney Airport Corporation	s182 and 183 of the Airports Act 1996	No objections raised in relation to proposed building height increase under the modification proposal.	Y

5.2 Council Referrals

The modification application was referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	The proposal was reviewed by Council's Manager of Engineering, who raised no concerns in relation to the modification, subject to amended drainage and flood management conditions 60 and 61 that reflect the new at-grade vehicular crossing arrangement and the revised pedestrian entrance floor levels.	Y (Condition)
Heritage	Reviewed the modified proposal and recommended that the proposed façade changes were assessed by the Randwick Design Excellence Advisory Panel.	Y
Environmental Health	The acoustic impact from the use of the loading dock has been considered and appropriate conditions have been included in the consent to maintain the amenity of adjoining residential receivers.	Y (Condition)
Landscaping	Noted that several changes are being sought by the subject Modification 'B'. However, given the amendments related to the landscape treatment are relatively minor, and still maintain the intent of the previously approved designs/plans, no objections were raised by Council's Landscaping Officer.	Y

Officer	Comments	Resolved
	Amended landscaping conditions have been included in the revised consent.	
Design Excellence Advisory Panel	<p>The Panel raised no objection in principle to the revised scheme, subject to the below refinements:</p> <ul style="list-style-type: none"> - The panel welcomes the addition of a supermarket, noting that an anchor retailer will add to the activation of the site and its precinct. Noting also that this change of land use brings both challenges relating to access (loading and car parking) and large plate with blind edges. - The through-site link should feel like a rich and interesting extension of the public domain. More like a public laneway less like a private shopping mall (albeit one that is practically controlled and managed privately). Its amenity could benefit from more natural light. Noting that the alignment of the arcade passes under the courtyard, this may be achieved through the introduction of openings to the sky, skylights, or clerestories. - Noting that each core has only one lift, the panel is concerned that this leaves limited the circulation vulnerable to interruption in case the lift is unavailable. Generally, direct access is available from lobbies to stairs, however not from the ground floor lobbies on the east. Options to improve this access would improve the design. - Notes on legibility, expression, clarity and development of the façade. The applicants mentioned “representation” often in the submission. However, the two-storey does not accord to a corresponding two-storey supermarket behind it. Similarly, across the development, there is not a rigorous correspondence between internal spaces and the façade. Neither is the façade a structural frame that supports the building. These considerations 	Y, Applicant has submitted amended plans and information to address the panel’s concerns for façade design.

Officer	Comments	Resolved
	suggest that the applicants ,can be freer and more playful in treating the façade as exactly that, an applied skin that does not need to exactly correspond to either the structure or the spaces behind it. This will allow the scheme to respond more gracefully to site and context conditions, as well as transition from ground to sky.	

5.3 Notification and Community Consultation

The modification application was notified in accordance with Council's Community Participation Plan from 9 February 2023 until 10 March 2023. The notification included the following:

- A sign placed on the site.
- Notification letters sent to adjoining and adjacent properties, and to previous submitters and objectors.
- Notification on Council's website.

In response Council received four submissions, with the key concerns outlined in the below **Table 6**.

Table 6: Submission Summary

Issue	Council Response	No. of times raised
Concern raised in relation to acoustic impacts to properties within Jane Street resulting from proposed supermarket loading dock proximity.	Loading dock access is required to satisfy spatial requirements for the new supermarket and retail arcade uses, with the driveway located on the ST2 road reserve. The opening and driveway are not orientated directly to Jane Street as stated in the submission. In addition, Council's Environmental Health Officer has reviewed the submitted acoustic report and recommended conditions to limit delivery hours and ameliorate acoustic impacts to surrounding residents.	(2)
Traffic impacts with large delivery vehicles accessing narrow Jane Street due to supermarket loading dock location.	A turntable has been provided within the loading dock to enable heavy vehicle access and egress in a forward direction from ST2 to Young Street. Heavy vehicles are not permitted to access Jane Street during operations and consent conditions have been included to secure this requirement as a part of a loading dock management plan and traffic access control measures at the intersection of ST2 and Jane Street.	(2)

Issue	Council Response	No. of times raised
The original townhouse proposal would be more sympathetic to the streetscape character of Jane Street.	The proposed modification does not substantially alter the approved 3 storey shop top housing development form of N1.3. The only change relates to a minor parapet and overrun height increase and the conversion of one ground floor retail tenancy into a loading dock that services the proposed supermarket. Accordingly, the interface with the Jane Street is generally consistent under the modified proposal in terms of overall bulk and scale.	(2)
Safety risk for children crossing from Yarraman Avenue adjacent to the playground.	The proposed configuration has been reviewed by Council's Traffic Engineering team and no concerns were raised in relation to the access configuration utilising the intersection of Young Street and Yarraman Avenue. Noting that this intersection was already utilised under the approved configuration of DA/887/2018, given the loading dock driveway will remain on the ST2 road reserve.	(1)
Economic feasibility, traffic congestion and trolleys being littered in the public domain due to larger supermarket.	The proposed supermarket will assist in addressing service demands associated with the increased density delivered within the Newmarket precinct and encourage the reduction of private vehicle dependence for incoming residents, along with the varied service offerings accommodated within the expanded retail arcade. In addition, the supermarket operator will be conditioned to implement management strategies that address the impacts of trolleys within local streets.	(1)

6. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal:

6.1 Building Height

Clause 4.6 Request - The Development Standard to be varied and extent of the variation

The proposal seeks to vary the following development standards contained within the Randwick Local Environmental Plan 2012 (RLEP 2012):

Clause	Development Standard	Proposal	Proposed variation	Proposed variation (%)
Cl 4.3: Building height (max) – Building N1.1	25m – However Stage 1 Masterplan envelope permits 27m for overruns.	29m to top of mechanical plant services zone and screen.	4m (400mm to parapet, roof slab and plant increase in mod).	16%
Cl 4.3: Building height (max) – Building N1.2	25m – However, Stage 1 Masterplan envelope permits 27m for overruns.	29.45m to top of mechanical plant services zone and screen.	4.45m (400mm to parapet, roof slab and plant increase in mod).	17.8%
Cl 4.3: Building height (max) – Building N1.3	12m	13.1m to top of mechanical plant services zone and screen.	1.1m (approx. 400mm increase to overrun and roof slab level in mod).	9.16%

The maximum height of the proposed development shall be 29.45m above the existing ground level to the plant services zone and screen enclosure. In addition, the lift overrun is also situated above the 27m height limit at 28m.

Legal Framework for variations

It is noted that the proposed modification is not captured by the provisions of Clause 4.6 of the Randwick LEP.

The relevant judgments (originating with North Sydney Council v Michael Standley & Associates Pty Ltd [1998] NSWSC 163) indicate that section 4.55 is a ‘free-standing provision’, meaning that “a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application”.

Therefore, a section 4.55 modification application can be approved even though it would

contravene a development standard, without the requirement of a Clause 4.6 request to the vary the standard.

Section 4.55 (3) continues to require the consent authority to take into consideration the matters referred to in Section 4.15, which in turn include the provision of any environmental planning instrument. The assessment is provided below.

Accordingly, the provisions of Clause 4.6 remain applicable to the modification and must be considered for the completeness of assessment. A merit assessment has been undertaken in the below sections in accordance with the relevant matters for consideration. These matters are outlined below for the proposed development having regard to the applicant's Clause 4.6 request.

Has the applicant's written request adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The applicant's written request seeks to justify the contravention of the height of buildings development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case because the relevant objectives of the standard are still achieved.

The objectives of the height of buildings standard are set out in Clause 4.3 (1) of RLEP 2012.

The objectives of clause 4.3 are as follows:

- (a) to ensure that the size and scale of development is compatible with the desired future character of the locality*
- (b) to ensure that development is compatible with the scale and character of contributory buildings in a conservation area or near a heritage item,*
- (c) to ensure that development does not adversely impact on the amenity of adjoining and neighbouring land in terms of visual bulk, loss of privacy, overshadowing and views.*

Assessing officer's comment:

The Applicant argues that the provisions of the Newmarket Green DCP 2013 and masterplan identify the desired future character to consist of high-density development with a greater built form than that which exists in the current streetscape. The proposal only seeks to vary the height standard to deliver compliance with the NCC guidelines, address flood planning levels and the operational requirements of the new supermarket use. The proposal will enable the provision of a rooftop mechanical plant enclosure to assist in screening potential visual and acoustic impacts associated with the improved environmental performance of a full electric plant conversion under the modified scheme.

Further, the proposed changes do not alter overall bulk and scale of the building when viewed from neighbouring properties and the height increase is not associated with additional GFA or apartment yield. The variation relates to the associated structures, being the lift and plant overrun. The proposed structures are well setback from the outer building footprint and shall not be visually prominent from the public domain. As such, the development will continue to appear as a compliant building height when viewed from the street perspective. The proposal is consistent with the maximum number of 8 storeys and retains a generally consistent parapet height, with the roof area accommodating essential building services.

The development is located within a conservation area and adjacent to several heritage items. Notwithstanding, it is not considered that the proposed breach will result in any unacceptable impacts when compared with a compliant DCP and masterplan envelope. The proposed area of non-compliance shall not give rise to additional amenity impacts beyond a fully compliant development. In this regard, the proposed roof top structures shall not result in any unreasonable impacts upon adjoining properties in relation to visual bulk, privacy, overshadowing and views.

In conclusion, the applicant's written request has adequately demonstrated that compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case.

Has the applicant's written request adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard?

The applicant's written request seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the height development standard as follows:

- The non-compliant height and roof top overruns have demonstrated consistency with the objectives of the development standard and the R1 / E1 zones.
- The roof top structures enable compliance with the NCC, improve sustainability measures and will provide essential services to the development.
- The proposed non-compliance does not result in any adverse environmental planning impacts and is outweighed by achieving improved environmental outcomes (electric plant conversion, acoustic screening, flood planning and increased ground level retail activation) and internal amenity as a part of the development.

Assessing officer's comment:

The proposed roof overruns will provide enable improved amenity for occupants through floor to ceiling height increases, the expansion of retail services and additional sustainable mechanical systems with negligible impacts upon adjoining properties and the public domain. The proposal will continue to provide for housing needs, diversity, incorporates adequate open space and protects residential amenity in accordance with the R1 zone objectives. In addition, the proposal shall also deliver increased ground floor retail and business uses for increased local services and employment opportunities within the walking catchment of new residents within the Newmarket precinct, along with an urban design outcome that was reviewed and supported by the Randwick Design Excellence Advisory Panel (DEAP).

As such, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard.

Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

In order to determine whether the proposal will be in the public interest, an assessment against the objectives of the height of buildings standard and R1/E1 zones is undertaken.

The modification will not substantially alter the overall composition or land use of the approved development. Accordingly, the amended proposal will retain compliance with permissibility and objectives of the E1 and R1 zones. The proposed development is also found to be consistent with the objectives of clause 4.3 in relation to building height, and

therefore the development will be in the public interest.

Concurrence of the Secretary

In assuming the concurrence of the Secretary of the Department of Planning and Environment the matters in Clause 4.6(5) have been considered:

Does contravention of the development standard raise any matter of significance for state or regional environmental planning?

The proposed development and variation from the development standard does not raise any matters of significance for state or regional environmental planning.

Is there public benefit from maintaining the development standard?

The variation of the maximum height of buildings standard will allow for the orderly use of the site and there is a no public benefit in maintaining the development standard in this instance.

Conclusion

Based on the above assessment, it is considered that the requirements of Clause 4.6(4) have been satisfied and that development consent may be granted for development that contravenes the height of buildings development standard.

6.2 Onsite Carparking

The subject modification proposes to increase parking from 152 to 195 spaces (43 additional spaces) via the relocation of the ground level sleeved parking area to the new basement level 2 accessed from proposed Street ST2. An assessment of the parking rate implications associated with the internal reconfiguration of the dwelling mix to provide larger 3 bed units and expand ground level retail has been undertaken in the below table.

Apartment Composition	Required No. of Parking Spaces under masterplan (DA/88/2016) and Newmarket DCP 2013	Provided Spaces	Compliance
		106 basement 2 sv ground 9 visitor ground 85 upper basement Inc 6 sv spaces 59 retail spaces 20 residential 126 residential total 113 needed apartments – 13 left over	
(23x) 1 Bed	0.5 space per 1 bedroom unit x 23 = 11	11 spaces (Basement)	Yes

	spaces		
(60x) 2 Bed	1 space per 2 bedroom unit x 60 = 60 spaces	60 spaces (Basement)	Yes
(28x) 3 Bed Unit	1.5 spaces per 3 bedroom unit x 28 = 42 spaces	42 spaces (Basement level 2)	Yes
Visitors	1 Space per 5 dwellings = $111/5 = 22$ spaces	22 spaces (12 spaces basement + additional 10 available on proposed ST2 street frontage)	Yes
Commercial	1 Space per 40sqm of GFA = $2389/40 = 60$ spaces	59 Spaces provided basement.	No (minor) – 1 space deficiency considered acceptable given capacity available within on and off-street visitor parking spaces.
Motorcycle	5% of the carparking rate x 204 = 10 spaces	10 Spaces provided basement.	Yes
Service vehicle - residential	1 Space per 50 units = $111/50 = 2$ spaces	2 spaces provided basement Level 1.	Yes
Service vehicle - commercial	1 Space per 400sqm of commercial GFA = $2389/400 = 6$ spaces	6 spaces provided basement Level 1 and ground level loading dock.	Yes
Total	203 car spaces required, including 60 commercial spaces and 8 service vehicles. 10 Motorcycle spaces	202 spaces, including 59 commercial and 8 service vehicle spaces. 10 Motorcycle spaces provided.	No (minor) – deficiency of 1 commercial space supported on merit.

7. CONCLUSION

This modification application has been considered in accordance with the requirements of the EP&A Act and the 2021 EP&A Regulation as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is recommended that the application to modify the approved development be approved for

the following reasons:

- The proposed modifications are considered to result in a development that is substantially the same as the previously approved development.
- The modified development will not result in significant adverse environmental impacts upon the amenity and character of the locality.
- The proposal is generally consistent with the relevant objectives contained within the SEPP No. 65, RLEP 2012 and the relevant requirements of the RDCP 2013.
- The proposal is consistent with the specific objectives of the E1 Local Centre zone in that it shall provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area, to encourage investment in local commercial development that generates employment opportunities and economic growth and to enable residential development that contributes to a vibrant and active local centre.

The application is recommended for approval subject to the following amended conditions:

8. RECOMMENDATION

It is recommended that the Sydney Eastern City Planning Panel, grants development consent under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA887/2018/B, where the development will remain substantially the same as the development that was originally approved at 150-162 Barker Street, 1 Jane Street, 8-20 Young Street, Randwick, in the following manner:

- **Amend Condition 1 to read:**

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp:

Plan number	Drawn by	Dated
N1.00.000 Rev 8	SJB	21.11.2018
N1.01.001 Rev 7		20.11.2018
N1.02.002 Rev 17		20.11.2018
N1.02.003 Rev 20		20.11.2018
N1.02.004 Rev 19		20.11.2018
N1.02.005 Rev 18		20.11.2018
N1.02.006 Rev 18		20.11.2018
N1.02.007 Rev 18		20.11.2018
N1.02.008 Rev 16		20.11.2018
N1.02.009 Rev 16		20.11.2018
N1.02.010 Rev 18		20.11.2018
N1.02.011 Rev 17		20.11.2018
N1.05.012 Rev 10		20.11.2018
N1.05.013 Rev 10		20.11.2018
N1.06.001 Rev 9		20.11.2018
N1.07.001 Rev 12		20.11.2018
N1.07.002 Rev 12	20.11.2018	

N1.07.003 Rev 5		21.11.2018
N1.08.001 Rev 13		20.11.2018
N1.08.002 Rev 13		20.11.2018
DA.N2.00.001[B]	BATESSMART	11/10/2017
DA.N2.01.001[B]		11/10/2017
DA.N202.001[D]		16/11/2018
DA.N202.100[D]		21/11/2018
DA.N202.101[C]		26/10/2018
DA.N202.102[C]		11/10/2018
DA.N202.103[B]		20/09/2017
DA.N202.104[B]		20/09/2017
DA.N202.106[B]		20/09/2017
DA.N207.001[D]		26/10/2018
DA.N207.002[B]		20/09/2017
DA.N207.003[A]		11/10/2017
DA.N207.004[A]		11/10/2017
DA.N208.001[C]		26/10/2018
DA.N208.002[B]		20/09/2017
DA.N208.003[B]		20/09/2017
DA.N208.004[C]		26/10/2018
BASIX certificate No. 774878M_03		8 November 2018
BASIX certificate No. 776019M_03		7 November 2018
BASIX certificate No. 776029M_03		7 November 2018

EXCEPT where amended by:

- Council in red on the approved plans; and/or
- Other conditions of this consent; and/or
- the following Section 4.55 'A' plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 'A' plans and detailed in the Section 4.55 'A' application:

Plan number	Drawn by	Dated
DA.N2.01.001[D]	BATESSMART	24/04/2023
DA.N2.02.001[F]		24/04/2023
DA.N2.02.100[F]		24/04/2023
DA.N2.02.101[E]		24/04/2023
DA.N2.02.102[E]		24/04/2023
DA.N2.02.103[D]		24/04/2023
DA.N2.02.104[D]		24/04/2023
DA.N2.02.106[D]		24/04/2023
DA.N2.05.001[D]		24/04/2023
DA.N2.05.002[D]		24/04/2023
DA.N2.05.003[D]		24/04/2023
DA.N2.07.001[H]		24/04/2023
DA.N2.07.002[F]		24/04/2023
DA.N2.08.001[F]		24/04/2023
DA.N2.08.003[E]		24/04/2023
BASIX certificate No. 776029M_04		30 June 2022
NM3 Indicative Staging Plans - Sheets 1 to 6	CBUS PROPERTY	09/06/2023

EXCEPT where amended by:

- **Council in red on the approved plans; and/or**
- **Other conditions of this consent; and/or**
- **the following Section 4.55 'B' plans and supporting documents only in so far as they relate to the modifications highlighted on the Section 4.55 'B' plans and detailed in the Section 4.55 'B' application:**

Plan / Document number	Prepared by	Dated
DD.N1.02.001[5]	SJB Architects	27/10/2023
DD.N1.02.002[22]		27/10/2023
DD.N1.02.003[25]		27/10/2023
DD.N1.02.004[24]		27/10/2023
DD.N1.02.005[22]		22/11/2022
DD.N1.02.006[20]		22/11/2022
DD.N1.02.007[21]		22/11/2022
DD.N1.02.008[19]		22/11/2022
DD.N1.02.009[19]		22/11/2022
DD.N1.02.010[21]		22/11/2022
DD.N1.02.011[20]		22/11/2022
DD.N1.05.012[11]		22/11/2022
DD.N1.05.013[11]		22/11/2022
DD.N1.05.014[1]		22/11/2022
DD.N1.07.001[17]		01/03/2024
DD.N1.07.002[16]		01/03/2024
DD.N1.08.001[18]		01/03/2024
DD.N1.08.002[17]	27/10/2023	
BASIX certificate No. 774879M_04	Efficient Living	25 January 2023
289768 – N1 Loading Dock – Acoustic Letter to support Section 4.55 Submission	ARUP	10 October 2023
Newmarket S3 N1 – Loading Dock Management Plan (draft)	PTC	10 November 2023

- **Add Condition 1B as per the following:**

WaterNSW – General Terms of Approval (N1 Development Site)

- 1B. The General Terms of Approval from WaterNSW provided in the letter dated 10 July 2023 shall be complied with as follows:

Dewatering

- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity. Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

- GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/dewatering.
- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

- **Amend Condition 16 (Development Contributions):**

Section 94A Development Contributions

16. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of ~~\$93,724,681~~ **\$107,658,955.00** the following applicable monetary levy must be paid to Council: ~~\$937,246.81~~ **\$1,076,589.55**.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\mathbf{IDC = ODC \times CP2/CP1}$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

- **Add the following Environmental Health conditions 24A, B and C and 45A (Construction certificate):**

- 24A. The location and height of the discharge of mechanical ventilation and exhaust systems are required to satisfy the relevant provisions of the Building Code of Australia and relevant Standards and details are to be provided in the construction certificate application.

- 24B. Emission control equipment shall be provided in the mechanical exhaust system serving the cooking appliances, to effectively minimise the emission of odours, vapours and oils.

Details of the proposed emission control equipment must be provided in the relevant plans and specifications for the relevant construction certificate for the development.

- 24C. An acoustic rated loading dock door is to be constructed. Further detailed assessment to determine the minimum sound insulation requirements are required based on the final loading dock operation plan as the design progresses.

- 45A. An acoustic rated loading dock door is to be installed as recommended in the acoustic letter prepared by Arup dated 10 October 2023. The final specification must not give rise to 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, along with demonstrating compliance with the NSW Industrial Noise Policy (INP).

- **Amend Conditions 50, 60 and 61 in accordance with the following wording (shown in bold):**

50. Prior to the issuing of a Construction Certificate the applicant must submit to Council for approval, and have approved, details of both the onsite and on-street visitor parking for the proposed development. The on-street parking provision is to total **19** spaces and the onsite parking provision is to total **12** spaces.

The details must be prepared in consultation with Council's Development Engineer.

Stormwater Drainage & Flood Management

60. Prior to lodgement of the relevant Construction Certificate the applicant shall submit to Council for approval, and have approved, a detailed plan showing the critical 1%AEP flood levels along the Barker Street, Young Street, Middle Street and ST2 site frontages.

The applicant's hydraulic consultant must certify to Council's satisfaction that all residential components of the development are protected up to the critical 1%AEP flood level plus 500mm, excluding the internal driveway ramp/s which must have a high point above the critical 1%AEP **flood level to Council's satisfaction**. The certification must also cover the protection of the commercial / residential areas. The applicant's hydraulic consultant must certify that the commercial residential floor areas are above the critical 1%AEP levels and are consistent with the development consent for DA/88/2016.

61. The proposed internal driveways for the proposed developments shall be designed either with a high point at least 300 mm above determined 1%AEP flood level **or alternatively the driveway can be designed with a high point at least 150 mm above determined 1%AEP flood level and a flood gate positioned that provides protection to at least 300mm above determined 1%AEP flood level. Note: the use of a flood gate will only be an option for the N1 internal driveway.**

If a flood gate is proposed it must have the approval of Council before the issuing the relevant Construction Certificate. Any flood gate must have an associated "restriction on the use of land" and a "positive covenant" created to ensure satisfactory installation, maintenance and ongoing operation of the flood gate. Details of the wording of the "restriction on the use of land" and "positive covenant" are to be obtained from Council's Development Engineer Coordinator. The flood gate must be installed, certified by both designer and installer and the "restriction on the use of land" and "positive covenant" must be registered on title before the issuing of any Occupation Certificate for the development. Details demonstrating compliance with this condition are to be included in the relevant construction certificate documentation.

- **Amend Condition 71 in accordance with the following wording (shown in bold):**

Landscape Plans

71. Written certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must state that the scheme submitted for the Construction Certificate has been revised to now be consistent with both the Architectural Plans by **SJB Architects stamped received by Council on 04/12/23**, the Landscape Plans/Report/Images by Arcadia, pages 1-35 and Appendix including dwg's 001-501, all **rev M** and all dated **November 2023**, with both this statement and plans to then be submitted to, and be approved by, the Principal Certifier.

- **Amend Condition 133 in accordance with the following wording (shown in bold):**

133. A report must be obtained from a suitably qualified and experienced consultant in acoustics, which demonstrates and certifies that noise and vibration from any plant and equipment (e.g. mechanical ventilation systems and air-conditioners) satisfies the relevant provisions of the *Protection of the Environment Operations Act 1997*, NSW Environment Protection Authority (EPA) Noise Control Manual, Industrial Noise Policy and Council's development consent **(including any relevant approved acoustic report and recommendations), to the satisfaction of Council. The assessment and report must include all relevant fixed and operational noise sources including the efficacy of the roller door to the loading dock.**

A copy of the report must be provided to the *Principal Certifying Authority* and Council prior to an occupation certificate being issued.

- **Amend Condition 134 g) as per following (shown in bold):**

Council's Infrastructure, Vehicular Crossings & Road Openings

134. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises (N1) in ST2 to Council's specifications and requirements.
 - b) Construct a full width concrete heavy duty vehicular crossing and layback at kerb opposite the vehicular entrance to the premises (N2) in Middle Street to Council's specifications and requirements.
 - c) Remove all existing footpaths along the Barker Street, Young Street and Middle Street site frontages and to reconstruct them to Council's specification.
 - d) Reconstruct Barker Street and Young Street along the full Barker and Young Street site frontages to Council's specification and in accordance with the development consents for DA/88/2016 and DA/662/2016.
 - e) Construct proposed road ST2 for the full site frontage to Council's specifications, requirements and in accordance with the development consents for DA/88/2016 and DA/662/2016.
 - f) Reconstruct Middle Street along the full Middle Street site frontages to Council's specification and in accordance with the development consents for DA/88/2016 and DA/662/2016.
 - g) Install any traffic management treatments and/or signage in the streets fronting and surrounding the development site to Council's specification. Including the detailed specification of traffic measures (signage / traffic control devices / road design and marking / barriers) to prevent heavy vehicle access at the intersection of proposed street ST2 and Jane Street. The final design of control measures must be submitted to and approved by Council's Coordinator of Integrated Transport and the Randwick Traffic Committee prior to the release of any occupation certificate. The works are to be implemented in accordance with the approved plans prior to the public dedication of the proposed ST2 road reserve.**

- **Add the following Environmental Health conditions 143A, B and C and 151A (Occupation certificate):**

- 143A. Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales. Details of the proposed waste collection and disposal service provider are to be submitted to Council prior to occupation of the building and Council must be notified of any future changes to the waste collection service provider.
- 143B. The food premises must be registered with Council's Health, Building & Regulatory Services department and the NSW Food Authority in accordance with the Food Safety Standards, prior to commencement of any food business operations.
- 143C. A *Food Safety Supervisor* must be appointed for the business and the NSW Food Authority and Council must be notified of the appointment, in accordance with the *Food Act 2003*, prior to commencing business operations. A copy of the Certificate of Appointment must be displayed on site and a copy must be provided to Council officers upon request.
- 151A. A final operational management plan for the loading dock must be submitted and approved by Council's Coordinators of Integrated Transport and Environmental Health, demonstrating consistency with the operational consent conditions and measures to ameliorate acoustic and traffic impacts prior to the release of any occupation certificate.

- **Amend Condition 148 in accordance with the following wording (shown in bold):**

Landscape Certification

148. Prior to any Occupation Certificate, certification from a qualified professional in the Landscape industry (must be eligible for membership with a nationally recognised organisation/association) must be submitted to, and be approved by, the Principal Certifier, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the approved Architectural Plans by SJB Architects stamped received by Council **04/12/23**, the Landscape Plans/Report/Images by Arcadia, pages 1-35, including the Appendix, dwg's 001-501, all **rev M** and all dated **November 2023**, and any other relevant conditions of consent.

- **Add the following Environmental Health conditions 143A, B and C, 151A, 160 - 169 (Operational):**

160. Operation of the loading dock door should be managed by a member of the loading dock staff, where required, to ensure that the door is closed when vehicles have entered the loading dock in early morning, or there is a concern for potential noise impact from loading dock activities.
161. The use and operation of food premises must comply with the *Food Act 2003*, *Food Regulation 2015*, *Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

162. The food premises must be kept in a clean and sanitary condition at all times, including all walls, floors, ceilings, fixtures, fittings, appliances, equipment, fridges, freezers, cool rooms, shelving, cupboards, furniture, crockery, utensils, storage containers, waste bins, light fittings, mechanical ventilation and exhaust systems and ducting, storage areas, toilet facilities, basins and sinks.
163. All food preparation, cooking, display and storage activities must only be carried out within the approved food premises.

Storage shall be within appropriate shelves, off the floor and in approved storage containers. External areas or structures must not be used for the storage, preparation or cooking of food, unless otherwise approved by Council in writing and subject to any necessary further approvals.

164. Waste storage areas must be maintained in a clean and safe condition and waste bins must not be left-out on Council's road, footpath or nature strip – other than for collection purposes and for a maximum period of 24 hours (unless approved otherwise by Council).
165. A numerically scaled indicating thermometer or recording thermometer, accurate to the nearest degree Celsius being provided to refrigerators, cool rooms, other cooling appliances and bain-maries or other heated food storage/display appliances. The thermometer is to be located so as to be read easily from the outside of the appliance.

All food that is to be kept hot should be heated within one (1) hour from the time when it was prepared or was last kept cold, to a temperature of not less than 60°C and keep this food hot at or above the temperature. Food that is to be kept cold should be cooled, within four (4) hours from the time when it was prepared or was last kept hot, to a temperature of not more than 5°C and keep this food cold at or below that temperature.

166. A comprehensive cleaning and maintenance program must be implemented for the operation of the mechanical ventilation exhaust system, to ensure that the system (including emission control devices and fillers) are maintained and operate efficiently and effectively in an environmental satisfactory manner at all times and the emissions do not cause a nuisance to nearby residents.

The program shall include a cleaning and maintenance schedule, prepared by the designing engineer/manufacturer or other suitably qualified person. This schedule is to detail the inspections and maintenance works to be undertaken and their timeframes, so as to ensure the mechanical ventilation system (including emission control device and filters) operates efficiently, effectively and in an environmentally satisfactory manner at all times.

A copy of the schedule is to be kept onsite at all times and a copy provided to Council prior to the operation of the food business.

167. Hours of operation for the loading dock are restricted to:
- 6 am – 6 pm, Monday to Saturday
 - 7 am – 6 pm, Sunday and public holidays
 - 6 pm – 10 pm Monday to Sunday light vehicles only
168. The loading dock door is to be closed after the trucks have entered the loading dock, while they are loading / unloading goods. Operation of the loading dock door should be managed by a member of the loading dock staff, where required, to ensure that the door is closed

when vehicles have entered the loading dock in early morning, or there is a concern for potential noise impact from loading dock activities.

169. Trucks should not idle on the street while waiting to enter the loading dock.

9. Attachments to report:

Nil