

## IDAP REPORT

<b>Property:</b>	3 Hampstead Road, Homebush West Lot F DP 344804 DA2021.100
<b>Proposal:</b>	Strata subdivision of the approved residential flat building.
<b>Applicant:</b>	ZCL Investment Pty Ltd
<b>Owner:</b>	ZCL Investment Pty Ltd
<b>Date of lodgement:</b>	3 May 2021
<b>Notification period:</b>	N/A
<b>Submissions received:</b>	NIL
<b>Assessment officer:</b>	P Santos
<b>Estimated cost of works:</b>	N/A
<b>Zoning:</b>	R3-Medium Density Residential - SLEP 2012
<b>Heritage:</b>	N/A
<b>Flood affected:</b>	Yes
<b>RECOMMENDATION OF OFFICER:</b>	<b>APPROVAL</b>



Figure 1. Aerial imagery of the subject site (outlined) and the immediate locality.

## **EXECUTIVE SUMMARY**

### **Proposal**

Development consent is being sought for the strata subdivision of the approved residential flat building.

### **Site and Locality**

The site is identified as 3 Hampstead Road, Homebush West and has a legal description of Lot F DP 344804. The site is an irregular-shaped parcel of land and is located on the western side of Hampstead Road, with The Crescent as the nearest cross section.

The site is irregular in shape with a wider frontage than the rear. The site has an area of 786.67m<sup>2</sup> with the dimensions of – 24.46m frontage width and 48.34m average depth.

The current streetscape is predominantly characterised by old two to three-storey residential flat buildings, more commonly known as two to three-storey 'walk-ups'.

### **Strathfield Local Environmental Plan**

The proposal is a permissible form of development with Council's consent under Clause 2.6. The proposal satisfies all relevant objectives contained within the LEP.

### **Development Control Plan**

The proposed development generally satisfies the provisions of Strathfield Consolidated DCP 2005. This is discussed in more detail in the body of the report.

### **Notification**

The nature of the proposed development in this application did not warrant a public exhibition or neighbour notification.

### **Issues**

- Allocation of parking spaces must be in accordance with the most recent development consent in DA2012/152/05.

### **Conclusion**

Having regards to the heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979, Development Application 2021/100 is recommended for approval subject to suitable conditions of consent.

## REPORT IN FULL

### Proposal

Council has received an application for the strata subdivision of the approved residential flat building. Figures 2 to 7 below show the strata subdivision, as proposed.

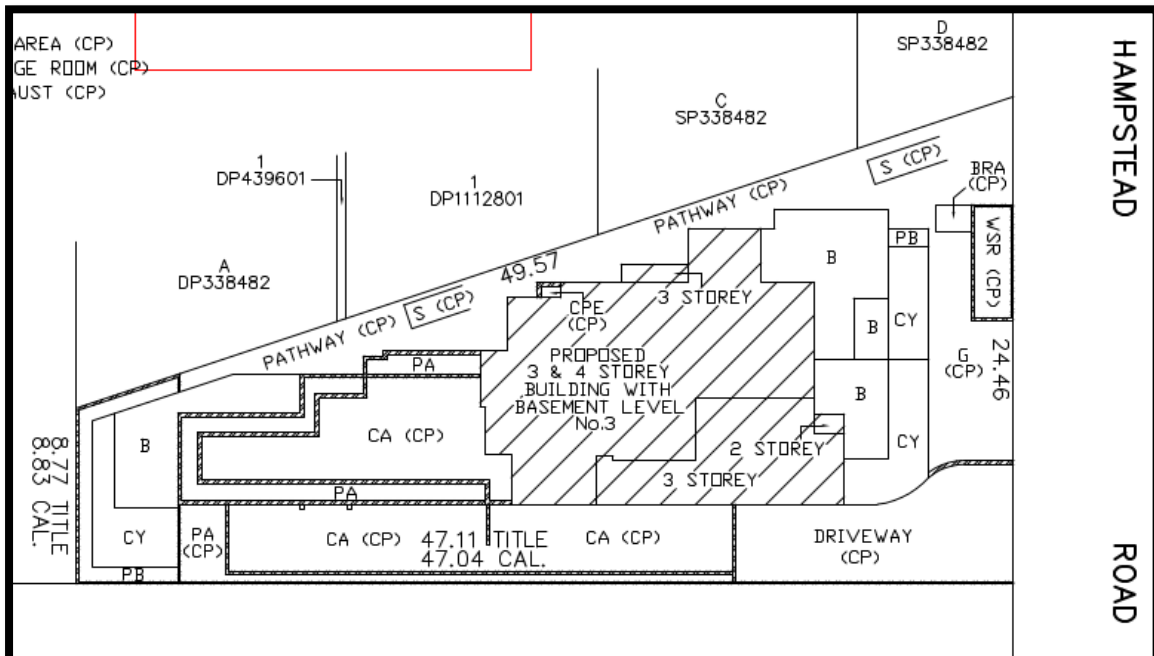


Figure 2. Extract of the proposed plan of subdivision, dated 21/04/2021.

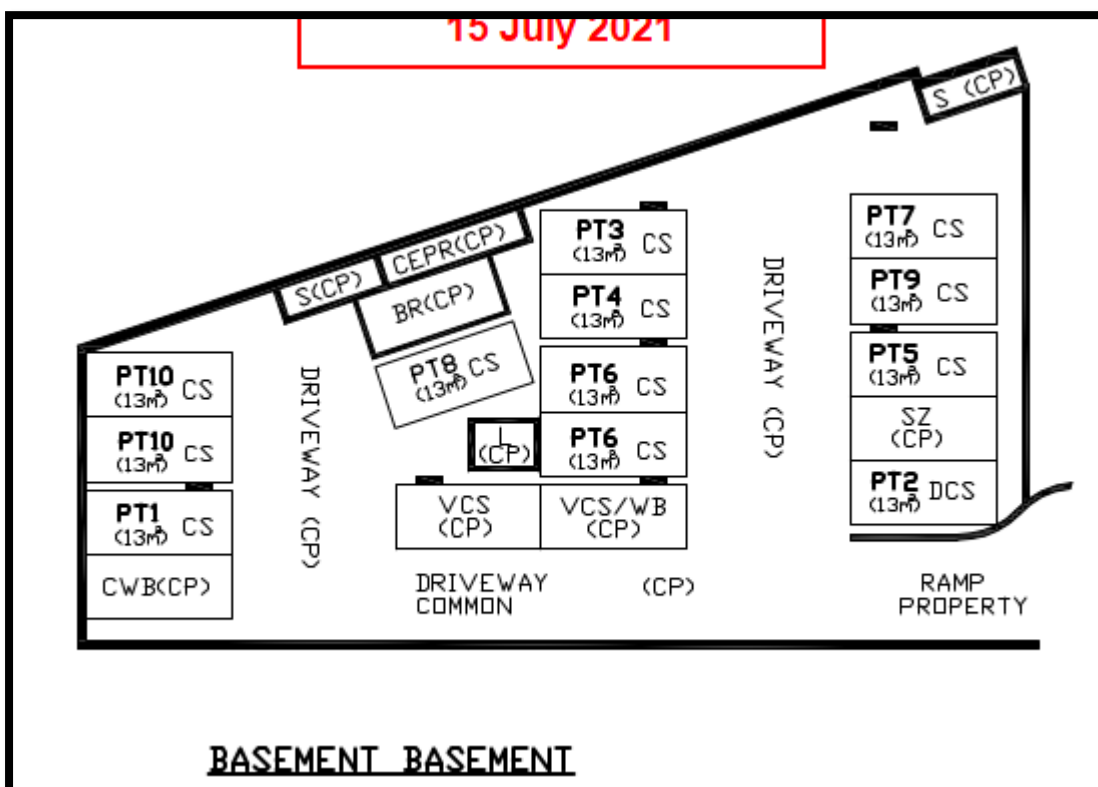


Figure 3. Extract of the proposed basement strata subdivision, dated 08/07/2021.

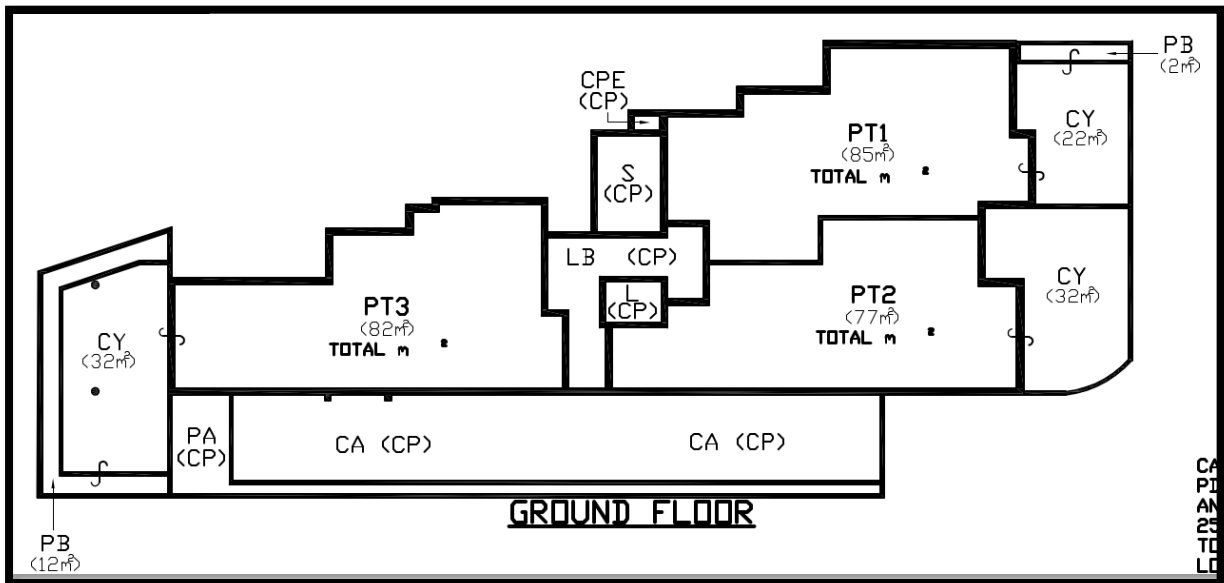


Figure 4. Extract of the proposed ground floor strata subdivision, dated 21/04/2021.

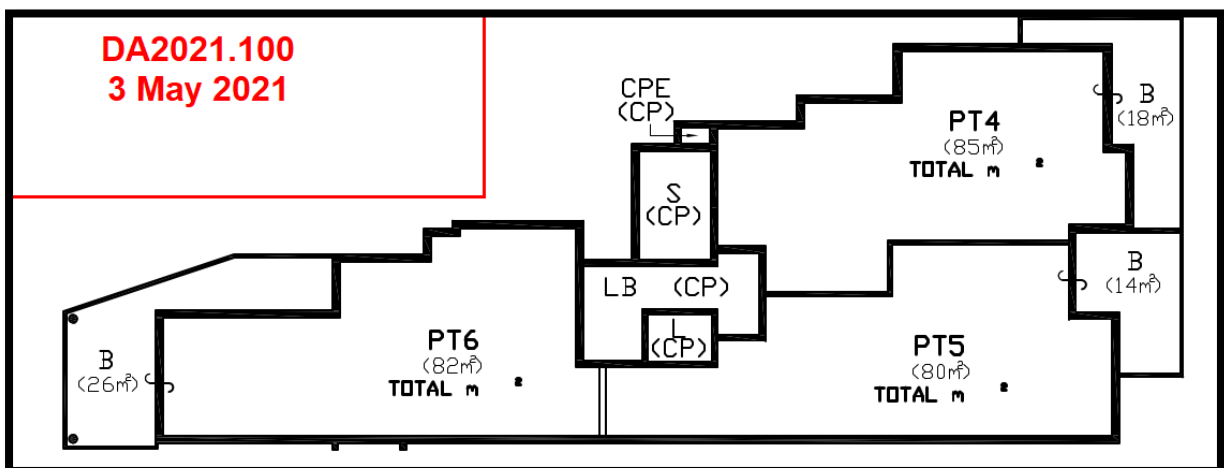


Figure 5. Extract of the proposed first floor strata subdivision, dated 21/04/2021.

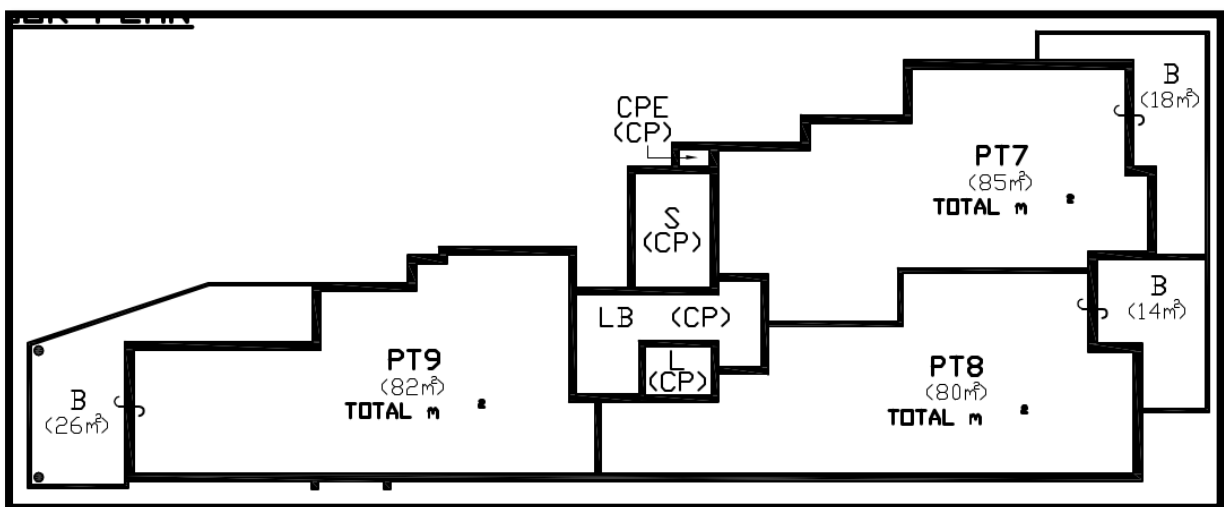


Figure 6. Extract of the proposed second floor strata subdivision, dated 21/04/2021.

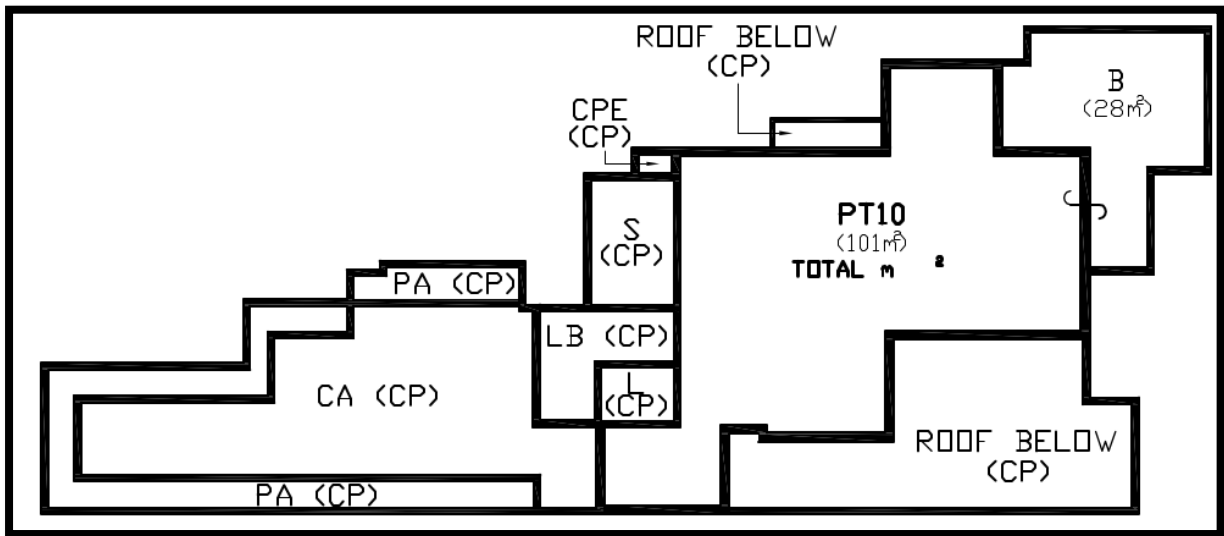


Figure 7. Extract of the proposed third floor strata subdivision, dated 21/04/2021.

### **The Site and Locality**

The subject site is legally described as Lot F DP 344804 and commonly known as 3 Hampstead Road, Homebush West. It is located off the western side of Hampstead Road with The Crescent being the nearest cross section.

The site is irregular in shape with a wider frontage than the rear. The site has an area of 786.67m<sup>2</sup> with the dimensions of – 24.46m frontage width and 48.34m average depth.



Figure 8. Closer imagery of the subject site (outlined) and the immediate locality.

The site is currently under construction and occupied by a partially-built residential flat building. Vehicular access is provided to the site via a new driveway leading to the basement parking area of the building on the southern side of the lot.

The current streetscape is predominantly characterised by old two to three-storey residential flat buildings, more commonly known as two to three-storey 'walk-ups'.

The surrounding area is characterised by medium density residential developments with the dominant built-form of two to three-storey walk-ups. Homebush Town Centre is located less than 100m from the site to the west, with the Flemington Railway Station about 150m further to the west.

The subject land and its immediate neighbouring properties have been identified as flood affected.



*Figure 9. Aerial imagery of the subject site (outlined) with the immediate locality. Flemington Railway Station is shown on the upper-west part of the image.*

## **Background**

20 March 2020

A Section 4.55(1A) modification application (DA2012/152/05) was given consent by Council's Internal Development Assessment Panel (IDAP) for the purpose of alterations and additions to an approved residential flat building, including revised vehicle and pedestrian access, new waste store and reconfiguration of car park. The Notice of Determination of this modification application has the following conditions:

- “14. A total of (14) off-street parking spaces, hardpaved, linemarked, labelled and drained, shall be provided in accordance with the approved plans and distributed as follows:

Residential	(11)
Residential – Accessible	(1)
Visitor	(2)
TOTAL	(14)

*Modified: 20 March 2020 (DA2012/120/05)*

*These spaces shall only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.*

*Residential parking spaces shall be designated at a rate of at least one (1) space per 1 and 2 bedroom unit and two (2) spaces per 3 bedroom unit.*

*It is proposed to strata subdivide the development in the future, parking designation shall be strictly in accordance with this condition.”*

- “14a. Reallocation of visitor parking

*The waiting bay adjacent to space R9 is to be allocated as a visitor car parking space. In addition to this, car space marked as R4 is to be also allocated as a visitor car parking space.*

*(Reason: To ensure compliance with car parking requirements Apartment Design Guideline)*

*Added: 20 March 2020 (DA2012/120/05)”*

03 May 2021	The subject development application was lodged.
11 June 2021	Council’s Planner carried out a site visit.
18 June 2021	An additional information request letter was issued via the NSW Planning Portal, raising the following concerns: <ul style="list-style-type: none"> <li>• Amendment of the basement strata plan to reflect compliance with conditions 14 and 14a of the Notice of Determination of DA2012/120/05.</li> </ul>
28 June 2021	Inadequate information was submitted via the NSW Planning Portal.
08 July 2021	Outstanding information was requested to be provided by Council’s Planner.

15 July 2021

Outstanding information was submitted via the NSW Planning Portal.

### **Referrals – Internal and External**

The nature of the proposal did not warrant internal or external referral.

### **Section 4.15 Assessment – EP&A Act 1979**

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

#### ***(1) Matters for consideration – general***

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) the provision of:***
- (i) any environmental planning instrument,***

### **Strathfield Local Environmental Plan**

The development site is subject to the Strathfield Local Environmental Plan 2012

#### **Part 2 – Permitted or Prohibited Development**

##### **Clause 2.6 – Subdivision – Consent Requirements**

The proposal of strata subdivision is permitted under the clause in the SLEP 2012.

#### **Part 4 – Principal Development Standards**

The nature of the proposed development does not warrant an assessment against the principal development standards under this part of the SLEP 2012.

#### **Part 5 – Miscellaneous Provisions**

##### **Flood Planning**

The subject site has been identified to be within a flood affected area. As such, the provisions under this clause must be taken into consideration in the assessment of this application.

Note that the nature of the proposed development does not trigger non-compliance with the requirements of the development standards or dissatisfaction of any of the objectives of the clause. As such, the proposal is supportable in this regard.

#### **Part 6 – Additional Local Provisions**

The nature of the proposal does not trigger an assessment against the provisions under this part of the SLEP 2012.

It is considered that the proposed development satisfies the aims, objectives and development standards, where relevant, of the Strathfield LEP 2012.

## **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005**

All stormwater from the proposed development can be treated in accordance with Council's Stormwater Management Code and would satisfy the relevant planning principles of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND (SEPP 55)**

SEPP 55 applies to the land and pursuant to Section 4.15 is a relevant consideration.

A review of the available history for the site gives no indication that the land associated with this development is contaminated. There were no historic uses that would trigger further site investigations.

The objectives outlined within SEPP55 are considered to be satisfied.

## **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of SLEP 2012 relating to the preservation of trees and vegetation.

The intent of this SEPP is consistent with the objectives of the repealed Standard where the primary aims/objectives are related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development does not result in the removal or loss of any trees or vegetation subject to the provision of this SEPP.

The aims and objectives outlined within the SEPP are considered to be satisfied.

### ***(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and***

There are no draft planning instruments that are applicable to this site.

### ***(iii) any development control plan,***

The proposed development is subject to the provisions of the Strathfield Consolidated Development Control Plan 2005. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

### **Strata Subdivision**

The proposed development satisfies the relevant controls and objectives of Part R of the SCDCP 2005.

**(iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,**

The requirements of Australian Standard AS2601–1991: *The Demolition of Structures* is relevant to the determination of a development application for the demolition of a building.

The proposed development does not involve the demolition of a building.

**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

The proposed development is of a scale and character that is in keeping with other developments being constructed in the locality. Accordingly, the proposal is not considered to have a significant impact on the natural and built environment or any negative social or economic impacts on the locality.

**(c) the suitability of the site for the development,**

It is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments.

**(d) any submissions made in accordance with this Act or the regulations,**

In accordance with the provisions of Councils Community Participation Plan, the application was placed on neighbour notification for a period of fourteen (14) days where adjoining property owners were notified in writing of the proposal and invited to comment. No submissions were received.

**(e) the public interest.**

The proposed development is of a scale and character that does not conflict with the public interest.

### **Local Infrastructure Contributions**

Section 7.13 of the EP&A Act 1979 relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. This section prescribes in part as follows:

A consent authority may impose a condition under section 7.11 or 7.12 only if it is of a kind allowed by, and is determined in accordance with, a contributions plan (subject to any direction of the Minister under this Division).

The nature of the proposal renders Strathfield Council's Contributions Plans not applicable.

### **Conclusion**

The application has been assessed having regard to the Heads of Consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979, the provisions of the SLEP 2012 and SCDP 2005.

Following detailed assessment it is considered that Development Application No. 2021/100 should be approved, subject to the conditions of consent.

**Signed:**

**Date: 20 July 2021**

**P Santos  
Development Assessment Planner**

- ☒ I confirm that I have determined the abovementioned development application with the delegations assigned to my position.
- ☒ I have reviewed the details of this development application and I also certify that Section 7.11/7.12 Contributions are not applicable to this development.

Report and recommendations have been peer reviewed and concurred with.

**Signed:**

**Date:**

**G Choice  
Planner**

The following conditions of consent are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instrument and/or Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To protect the environment.
- (c) To ensure that there is no unacceptable impact on the amenity of the area, or to private and public property.
- (d) It is in the public interest.

## DEVELOPMENT DETAILS

### 1. Approved Plans & Documentation

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Plan of Subdivision of Lot F in Deposited Plan 344804 – Location Plan	17-0513 / Sheet 1 of 4	21/04/2021	-	Patrick Yui Fai Pang
Plan of Subdivision of Lot F in Deposited Plan 344804 – Basement	17-0513 / Sheet 2 of 4	08/07/2021	-	Patrick Yui Fai Pang
Plan of Subdivision of Lot F in Deposited Plan 344804 – Ground Floor / First Floor	17-0513 / Sheet 3 of 4	21/04/2021	-	Patrick Yui Fai Pang
Plan of Subdivision of Lot F in Deposited Plan 344804 – Second Floor / Third Floor	17-0513 / Sheet 4 of 4	21/04/2021	-	Patrick Yui Fai Pang

## PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

### 2. Final Subdivision Plan Requirements

A final Subdivision Plan shall be prepared by a Registered Surveyor and include (but not be limited to) the following easements created by Section 88B of the [Conveyancing Act 1919](#) on the Final Subdivision Plan.

- i. Any necessary Easements to Drain Water, (minimum 1m wide).
- ii. Any necessary Easements for Services (minimum 300mm wide).
- iii. Any necessary Easements for overhanging roof structures.

### 3. Stratum – Completion of Site Works Prior to Issue of the Subdivision Certificate

The structures of the building(s) shall be completed to the stage that all the boundaries and easement limitations of the proposed Stratum Lots can be physically defined on the Final Subdivision Plan. This stage of the building(s) shall be constructed in accordance with the approved plans and conditions of Development Consent No. 2012/120 dated 11 December 2012 and any subsequent approved revisions under Section 4.55 of the [Environmental Planning & Assessment Act 1979](#).

### 4. Site works to be completed prior to issue of Subdivision Certificate

The following works shall be completed prior to the issue of the Subdivision Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans.
- (c) Replace all redundant vehicle crossing laybacks with kerb and guttering, and redundant concrete with turf.
- (d) A Final Occupation Certificate shall be obtained from the PCA upon completion of the construction works required by the approved Construction Certificate.
- (e) Sydney Water's Section 73 Compliance Certificate.

### 5. Stratum – Final Subdivision Plan Requirements

A final Subdivision Plan shall be prepared by a Registered Surveyor and shall create the following easements:

- (a) Easements for Support and shelter over each lot to benefit other lots.
- (b) Easements to Drain Water over each lot to benefit other lots.
- (c) Easements for Services over each lot to benefit other lots.
- (d) Various Rights of Access over each lot to benefit other lots.

- (e) Rights to Use Fire Stairs over each lot to benefit other lots. These Rights shall be created over all Fire Exits and Stairways if necessary.
- (f) Easements for Overhang.
- (g) Easements for Signage.
- (h) Rights to Use Loading Area.
- (i) Easements for Stormwater Detention Facilities.
- (j) Easement for Electricity Purposes
- (k) Any other required Easements

If any of the abovementioned easements cannot be created suitable provisions shall be provided in the Building Management Statement for the Scheme.

**6. Strata Certificate Requirements – BCA and Fire Upgrades**

- (a) A Building Certificate for the existing building erected upon the site shall be obtained from Council prior to the issue of the Strata Certificate.
- (b) Prior to determination of this Building Certificate a report prepared by a practising qualified fire engineer (C10 - Accredited Certifier - Fire Safety Engineering Compliance), indicating the building to be brought into total conformity with the requirements of the Building Code of Australia is to be submitted to and approved Council.

If it is likely that the building is of an age or construction type that will involve major and costly structural alterations to be carried out, a report prepared by same, outlining the reasons for and detail of proposed works for, an alternative solution, may be considered by Council, prior to determination of Building Certificate. The report must address the means of assuring occupant life safety and protection in the building as well as the protection of fire brigade personnel during rescue and firefighting.

An assessment report by a professional engineer specialising in structural engineering pertaining to the current structural stability of the building, including any recommendations required to bring the building to an acceptable level of structural stability, is to be submitted to Council for approval. All works are to be completed prior to issuing the Building Certificate.

**7. Final Subdivision Requirements – Car Space Numbering**

Each car space shall be renumbered correctly on site in accordance with the strata plan lot numbering.

## **1. Review of Determination**

Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney East Planning Panel or the Land & Environment Court.

## **2. Appeal Rights**

Division 8.3 (Reviews and appeals) Part 8 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

## **3. Lapsing of Consent**

This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

## **4. Strata Subdivisions**

- (a) Council will check the consent conditions on the relevant Strata Subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.
- (b) Council will undertake the required inspections to satisfy the requirements of the [Strata Schemes Development Regulation 2016](#) to determine the Strata Certificate.
- (c) Strata Plans, Administration Sheets, 88B Instruments and copies must not be folded.
- (d) All Strata Plans, Strata Plan Administration Sheets and 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

## **5. Stratum Subdivisions**

- (a) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.
- (b) Council will check the consent conditions on the relevant subdivision consent.

Failure to submit the required information will delay endorsement of the plan of subdivision.

- (c) Plans of subdivision, Administration Sheets, Section 88B Instruments and copies must not be folded.
- (d) All Subdivision Plans, Deposited Plan Administration Sheets and Section 88B Instruments shall be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).
- (e) Certification from the Registered Surveyor that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services.