

IDAP REPORT

Property:	Building A, U16, 161 Arthur Street, Homebush West Lot 16 SP 103696 DA2021.313
Proposal:	Internal Fit-out and Use of Premises as a Vehicle Repair Station (Mechanic Shop).
Applicant:	Ahmed Abdelrehim
Owner:	Evan Group Sydney Pty Ltd
Date of lodgement:	10 December 2021
Notification period:	N/A
Assessment officer:	P Santos
Estimated cost of works:	\$6,000.00
Zoning:	IN1-General Industrial - SLEP 2012
Heritage:	N/A
Flood affected:	No
RECOMMENDATION OF OFFICER:	APPROVAL



Figure 1. Aerial imagery of the subject site (outlined in red), the whole property (outlined in yellow) and the immediate locality.

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the internal fit-out of a unit in an existing industrial development, given approval through a complying development (CDC # 0170345-02), and use of the unit as a vehicle repair station (mechanic shop).

Site and Locality

The subject is commonly known as Building A, Unit 16, 161 Arthur Street, Homebush West and has the legal description of Lot 16 SP 103696. The site is located within an existing industrial development, given approval through a complying development (CDC # 0170345-02).

The immediate locality is predominantly characterised by industrial developments. Flemington Train Maintenance Centre is located immediately to the north of the subject property and other industrial development to the east, including Storage Kings Homebush, are reflective of the SP2 Rail Infrastructure and IN1 General Industrial zoning of the area, respectively.

Strathfield Local Environmental Plan

The site is zoned IN1-General Industrial under the provisions of Strathfield LEP 2012 and the proposed use is a permissible form of development with Council's consent. 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 proposal did not require neighbour notification.

Issues

- Parking spaces

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2021/313 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the internal fit-out of a unit in an existing industrial development, given approval through a complying development (CDC # 0170345-02), and use of premises as a vehicle repair station (mechanic shop). More specifically, the proposal includes the installation of two car hoists on the ground floor and office fit-out on the mezzanine level.

No works are proposed to be carried out to the external of the existing building. Further, no signage forms part of this development application.

The proposed use is to utilise the two parking spaces allocated to the unit located in front of the building.

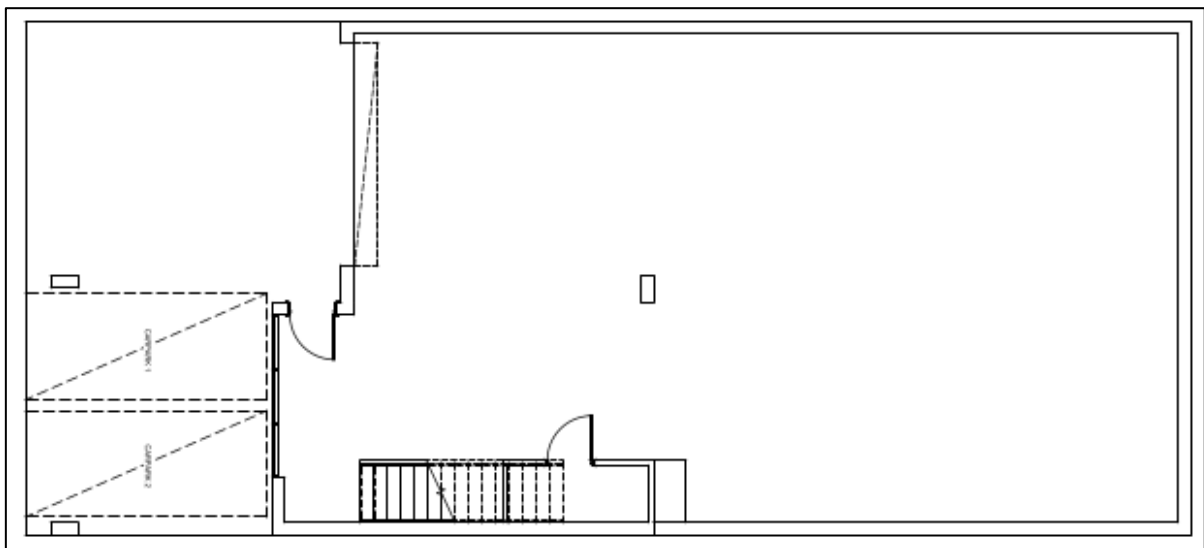


Figure 2. Extract of the existing ground floor plan.

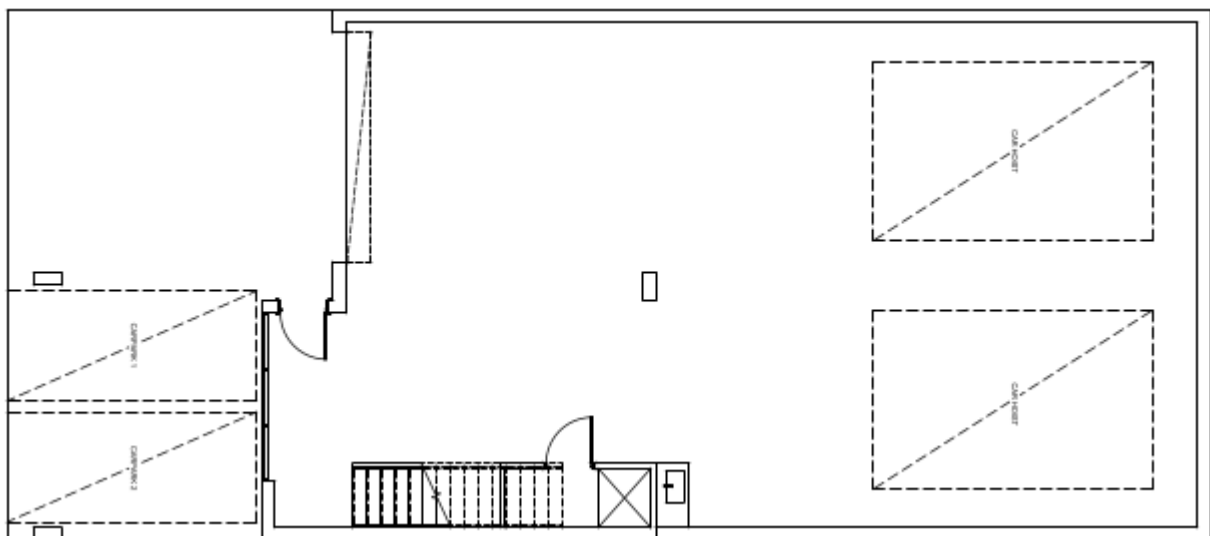


Figure 3. Extract of the proposed ground floor plan.

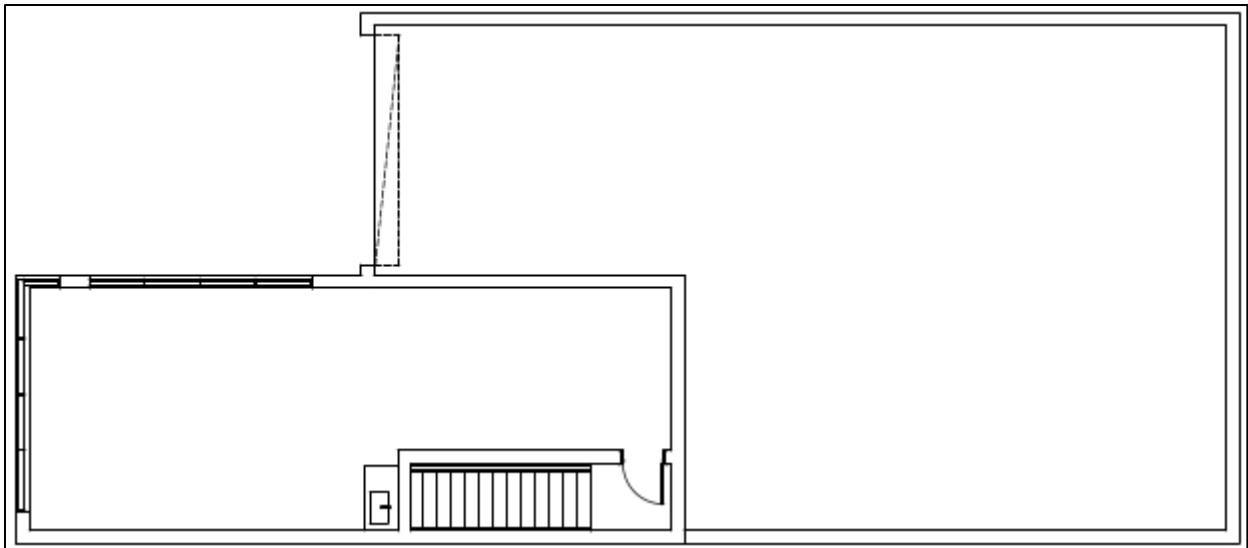


Figure 4. Extract of the existing mezzanine level floor plan.

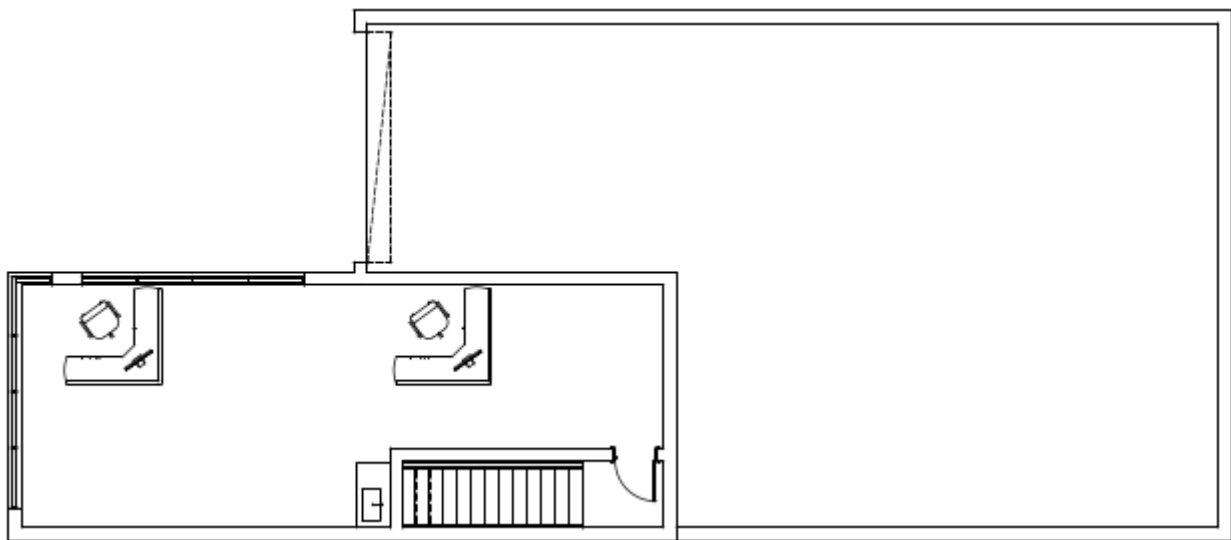


Figure 5. Extract of the proposed mezzanine level floor plan.

The Site and Locality

The subject is commonly known as Building A, Unit 16, 161 Arthur Street, Homebush West and has the legal description of Lot 16 SP 103696. The site is located within an existing industrial development, given approval through a complying development certificate (CDC # 0170345-02).

The immediate locality is predominantly characterised by industrial developments. Flemington Train Maintenance Centre is located immediately to the north of the subject property and other industrial development to the east, including Storage Kings Homebush, are reflective of the SP2 Rail Infrastructure and IN1 General Industrial zoning of the area, respectively.



Figure 6. A closer aerial imagery of the subject site (outlined in red) and the subject property (outlined in yellow).

Background

10 December 2021 The development application was lodged.

15 March 2022 Council's Planner carried out a site visit.

Referrals – Internal and External

The nature of the proposal did not trigger 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,***

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of land

Chapter 4 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 Chapter 4 of the SEPP are considered to be satisfied.

Strathfield Local Environmental Plan

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

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned IN1-General Industrial and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Floor Space Ratio

The nature of the proposed development does not involve additional floor area. As such, an assessment against the provisions of the FSR development standard is not necessary.

Building Height

The proposed development is to utilise the existing building and will not have any external additions. As such, the proposal does not trigger an assessment against the building height development standard.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject site is identified as having Class 5 Acid Sulfate Soils but is not located within 500m of Class 1, 2 3 or 4 soils. Therefore, development consent under the provisions of this section is not required.

Essential Services

Clause 6.4 of the SLEP 2012 requires consideration to be given to the adequacy of essential services available to the subject site. The subject site is located within a well serviced area and features existing water and electricity connection and access to Council's stormwater drainage system. As such, the subject site is considered to be adequately serviced for the purposes of the proposed development

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

- (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.

PART D – Industrial Development

The proposal is for the use of the unit and internal alterations. Accordingly, the majority of the standards under Part D do not apply, with the built-form and layout of the development already approved and constructed under the CDC.

Strata Plan SP103696, registered on 17 September 2021, shows that two parking spaces are allocated to the subject unit. While this does not satisfy the parking requirement of the DCP for the proposed use of one space per 50m² (total of 4 parking spaces) it is considered onerous to require compliance with the development controls in this regard. The parking spaces allocation had been dealt with and considered in the approval of the construction of the whole industrial development on the property under CDC 0170345-02. As such, the variation of the parking requirements of Council is considered supportable. Further, the proposal is considered to have no adverse amenity impact to neighbouring industrial uses.

PART H – Waste Management (SCDCP 2005)

A waste management plan is detailed in the submitted SEE. However, the method nominated is considered inadequate and would require more detail regarding the operations of the unit and how the wastes will be managed. As such, a condition of consent is imposed to require a WMP be prepared in accordance with Part H of the DCP.

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

No matters prescribed by the regulations are relevant to the proposal.

- (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 existing and being constructed in the locality. Accordingly, the nature of the proposal will not have an 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,*

While the proposal will not have an impact on the built-form of the locality, the proposed use is consistent with the land use zone and the permissible developments within the locality, being general industrial development. As such, it is considered that the site is suitable for the proposed development.

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

In accordance with the provisions of Councils Community Participation Plan, the nature of the proposal did not warrant a neighbour notification or public exhibition.

(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).

STRATHFIELD INDIRECT SECTION 7.12 CONTRIBUTIONS PLAN

Section 7.12 Contributions are not applicable to the proposed development in accordance with the Strathfield Indirect Development Contributions Plan with the cost of works less than \$100,000.00.

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. 2021/313 should be approved subject to conditions of consent.



Signed:

P Santos
Senior Planner

Date: 22 March 2022

- ☒ 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:

J Gillies
Senior Planner

Date: 22 March 2022

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.

(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
Proposed Building Plans	0105	03/11/2021	A	Waratah Group

(2) **Signage**

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

SEPRARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

(1) **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993**

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.
- (b) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (c) Establishing a "works zone";
- (d) Placing or storing materials or equipment;
- (e) Placing or storing waste containers or skip bins;
- (f) Stormwater & ancillary to public infrastructure on private land
- (g) Erecting a structure or carrying out work

These separate activity approvals (a)-(g) must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

- (h) Pumping water from the site into the public road;
- (i) Constructing a vehicular crossing or footpath;
- (j) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (k) Stormwater & ancillary works in the road reserve; and
- (l) Pumping concrete from a public road;

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the activities commencing.

The relevant Application Forms for these activities can be downloaded from Council's website www.strathfield.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9748 9999.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(1) Fees to be Paid

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.strathfield.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Security Damage Deposit	\$ 330.00
Administration Fee for Damage Deposit	\$ 130.00

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

(2) Required Design Changes

The following changes are required to be made and shown on the Construction Certificate plans:

Use – Floor Plan	An annotation is to be added about the use of the mezzanine level being an ancillary office.
------------------	--

(3) Damage Deposit – Minor Works

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage security deposit for the cost of making good any damage caused to any Council property as a result of the development: \$330.00
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable administration fee to enable assessment of any damage and repairs where required: \$130.00

- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

(4) Waste Manage Plan (WMP)

Prior to the issue of a Construction Certificate, a Waste Management Plan (WMP) must be submitted and it must comply with the requirements contained within Part H of Strathfield Development Control Plan 2005 (DCP 2005). A WMP will become part of any development consent issued and aims to facilitate better waste management, waste minimization and resource recovery.

The WMP is an important planning document that will not only be utilised as part of the development application process, but during construction and for the ongoing use of the development. The WMP will continue to apply as a working reference for the life of the development.

At least one copy of the WMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

(5) Industrial Premises – Wet Areas and Trade Waste Systems

Details and specification of wet areas must be submitted with the Construction Certificate application for approval.

All wet-rubbing, engine degreasing or vehicle washing is to be conducted in a vehicle wash bay connected to the sewer. This area is to be bunded to prevent wastewater entering the stormwater system.

DURING CONSTRUCTION

(1) Hours of Construction for Demolition and Building Work

Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Friday and 8:00am to 1:00pm on Saturdays. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Where the development involves the use of jack hammers/rock breakers and the like, or other heavy machinery, such equipment may only be used between the hours of 7:00am to 5:00pm Monday to Friday only.

Note: A penalty infringement notice may be issued for any offence.

OPERATIONAL CONDITIONS (ON-GOING)

(1) Bunding, Liquids (chemical, paint solvent)

All liquids onsite are to be stored within a bunded area. The size of the area is to be bunded and shall be calculated as follows (as a minimum):

- (a) in the case of tanks, 110% of the volume of the largest sized tank.
- (b) in the case of small containers and drums, 25% of the total volume of liquid to be stored, with a minimum of 400L capacity.

The bund is to be roofed and constructed of a material, which is impervious to the liquid being stored. After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.

(2) Bunding Work Areas

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

(3) Storage of Hazardous or Toxic Material

To ensure hazardous and toxic materials do not become a threat to the environment they must be stored in a bunded area constructed and maintained in accordance with AS 1940-2004 - *The storage and handling of flammable and combustible liquids (as amended)* and with SafeWork NSW requirements (contactable on 13 10 50).

(4) Industrial Premises – Storage of Waste Oil

Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council officers on request.

(5) Industrial Premises – Spill Clean Up

Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

(6) Industrial Premises – Drainage for Mechanical Work Areas

All servicing, mechanical repairs and detailing shall be conducted in a covered, bunded work area. All work areas, including workshops and lube bays, shall be graded into collection sumps and/or grated drains such that surface effluent generated within the workshop area is directed into a dedicated drainage system and disposed of to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an Environmental Protection Authority (EPA) licensed waste contractor.

(7) Industrial Premises – Storage of Mechanical Parts

Automotive parts in contact with any automotive fluid shall be stored in a covered, bunded area that is graded into collection sumps and/or grated drains which are directed into a dedicated drainage system and disposed to sewer in accordance with a Trade Waste Agreement from Sydney Water or collected for reuse/disposal by an Environmental Protection Authority (EPA) licensed waste contractor.

(8) Industrial Premises – Prohibition of Spray Painting

Spray painting shall not be carried out on the premises without prior consent of Council.

(9) Industrial Premises – Prohibition of Certain Works

The following must not be carried out on the premises without the prior consent of Council:

- (a) Panel beating external to the building
- (b) Wrecking or dismantling of vehicles
- (c) Cooling and heating systems and or radiator cleaning involving the use of corrosive liquids shall not be carried out on the premises without the prior consent of Council.

(10) Annual Fire Safety Statement

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the [Environmental Planning and Assessment Regulation 2000](#).
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

(1) Requirement for a Construction Certificate

The erection of a building must not commence until a Construction Certificate has been issued.

(2) Appointment of a PCA

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and

- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

(3) Occupation Certificate

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

ADVISORY NOTES

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. Access to NSW Legislations (Acts, Regulations and Planning Instruments)

NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au