

IDAP REPORT

Property:	250-318 Parramatta Road HOMEBUSH PLT 10 DP 1055460 DA2022/56
Proposal:	Alterations and additions to existing units (stands 103 to 105 – Building F).
Applicant:	Building Design & Drafting Services
Owner:	Sydney Markets Limited
Date of lodgement:	5 April 2022
Notification period:	N/A
Submissions received:	Nil
Assessment officer:	P Santos
Estimated cost of works:	\$85,000.00
Zoning:	SP1-Special Activities - SLEP 2012
Heritage:	No
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL

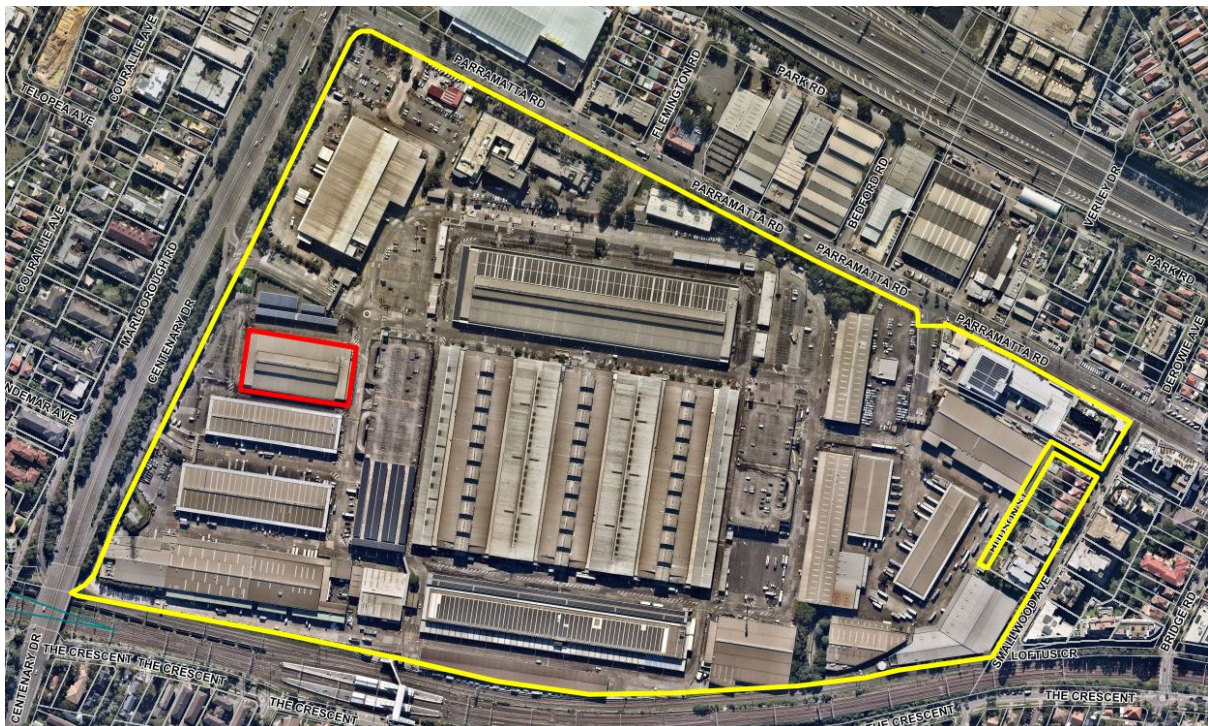


Figure 1. Aerial imagery of the subject site (outlined in yellow) and the development site (outlined in red).

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for the alterations and additions to existing units (stands 103 to 105 – Building F) that involve an existing flower shop.

Site and Locality

The subject site is legally described as PLT 10 DP 1055460 and commonly known as 250-318 Parramatta Road HOMEBUSH. The development site is inside Building F, units 103 to 105 that is currently being used as a flower shop.

The subject site is located on the south-eastern corner of the intersection of Parramatta Road and Centenary Drive with the development site (Building F) situated closer to latter road. Building F is located on the western side of the site.

The development site is currently occupied by a flower shop (Units 104-105) and an ancillary storage room (Unit 103). Units 104 to 105 have a storage space above while Unit 103 is a single-level unit.

Strathfield Local Environmental Plan

The site is zoned SP1-Special Activities under the provisions of Strathfield LEP 2012 and the proposal 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 application was not required to be notified in accordance with Council's Community Participation Plan.

Conclusion

Having regards to the heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, Development Application 2022/56 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the alterations and additions to existing units (stands 103 to 105 – Building F).

More specifically, the proposal includes merging the three units (103 to 105) to form a bigger stall inside Building F and construction of another level on top of the existing single-level Unit 104.

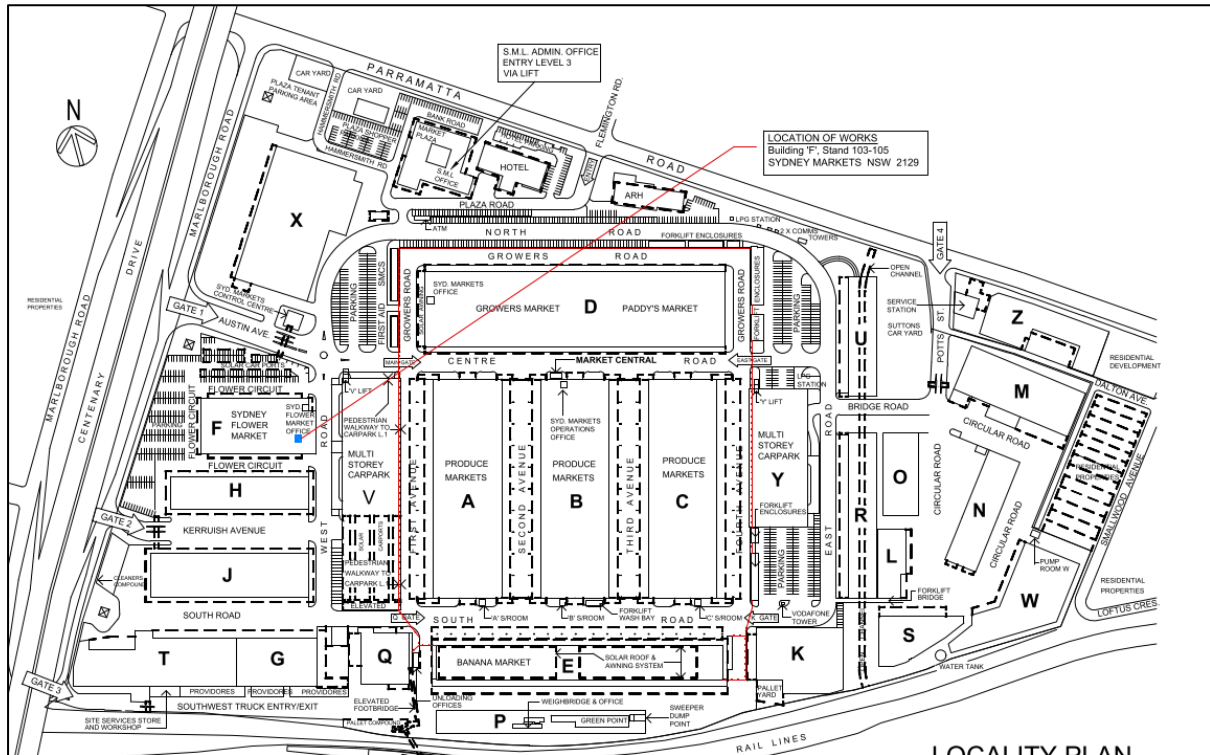


Figure 2. Extract of the submitted locality plan.

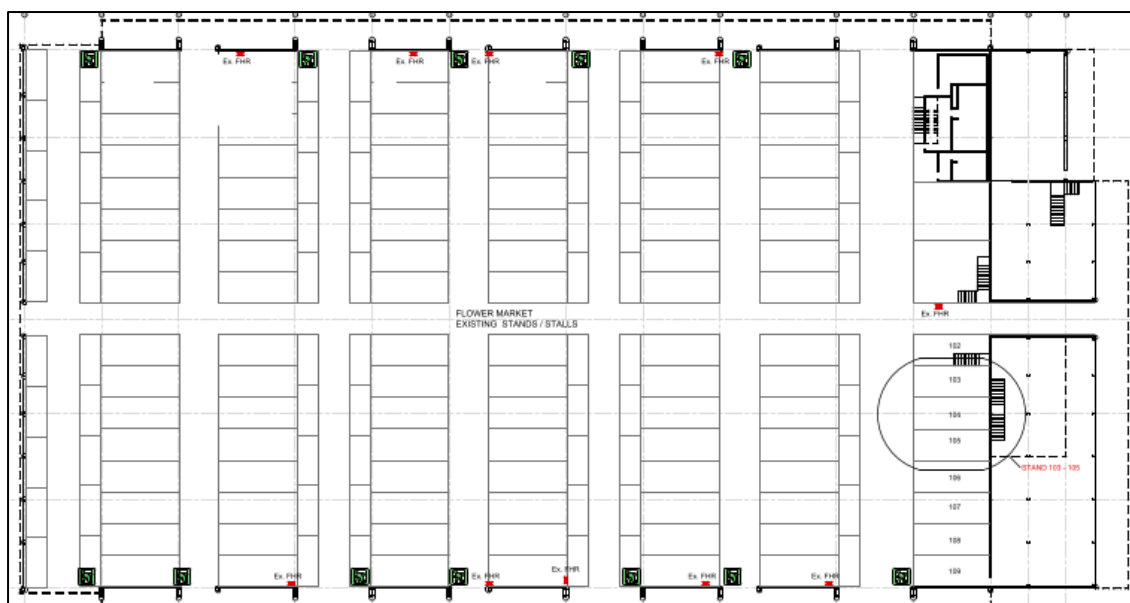
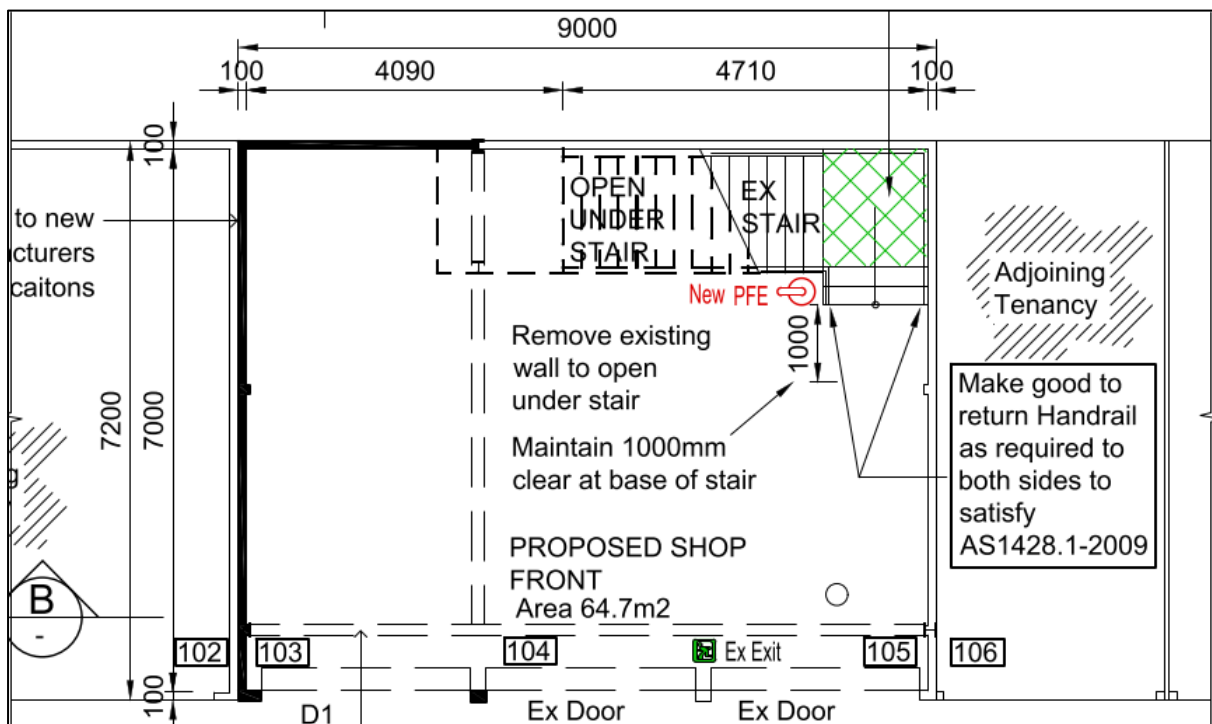


Figure 3. Extract of the layout of Building F.



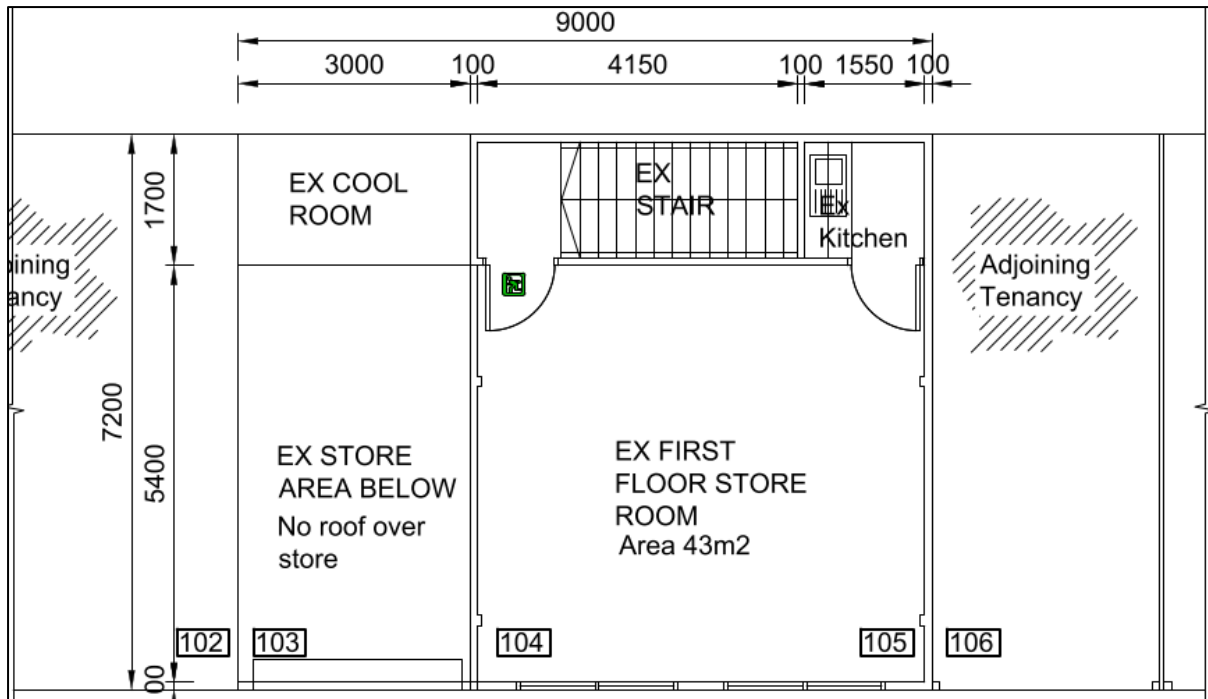


Figure 6. Extract of the existing first floor plan.

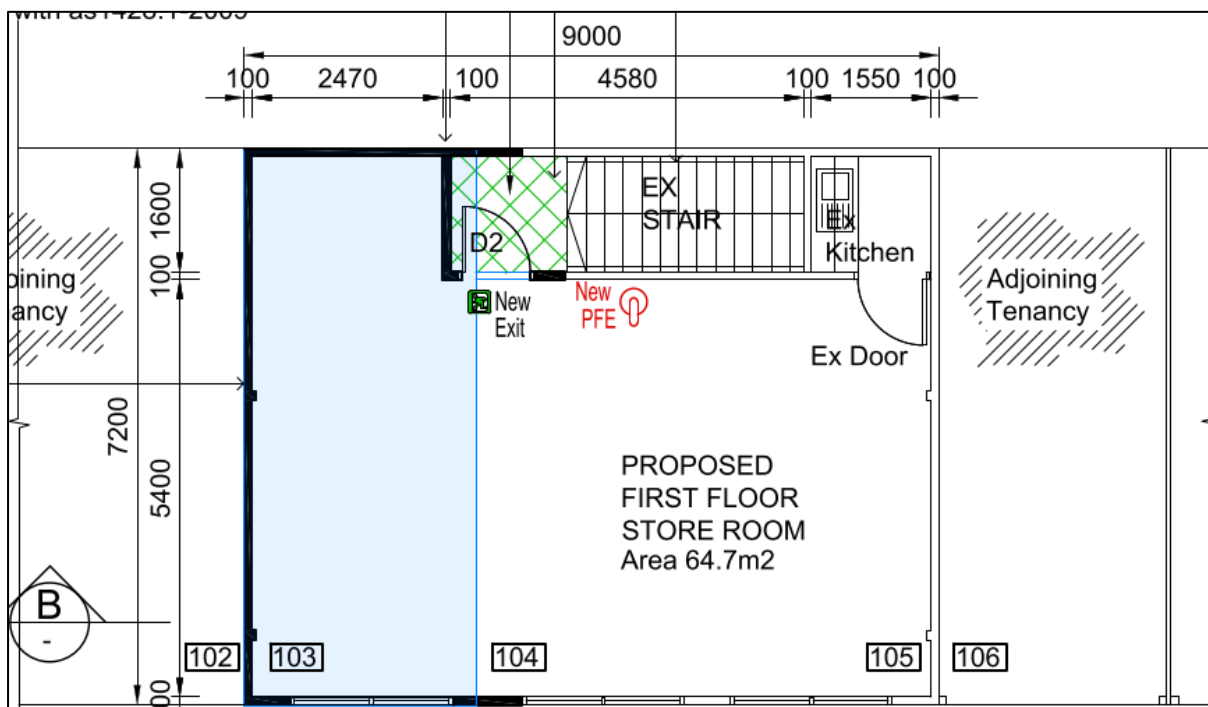


Figure 7. Extract of the proposed first floor plan.

The Site and Locality

The subject site is legally described as PLT 10 DP 1055460 and commonly known as 250-318 Parramatta Road HOMEBUSH. The development site is inside Building F, units 103 to 105 that is currently being used as a flower shop.

The subject site is located on the south-eastern corner of the intersection of Parramatta Road and Centenary Drive with the development site (Building F) situated closer to latter road. Building F is located on the western side of the site.

The development site is currently occupied by a flower shop (Units 104-105) and an ancillary storage room (Unit 103). Units 104 to 105 have a storage space above while Unit 103 is a single-level unit.



Figure 8. Site photos provided by the applicant in the SEE.



Figure 9. Site photos provided by the applicant showing Units 104-105.

Background

6 April 2022

The subject development application was lodged.

Referrals – Internal and External

The application was referred to Council's Building Surveyor. However, it is considered that comments from the Building Surveyor can be dealt with as a condition of consent requiring all construction to be made in accordance with the BCA, as the works proposed are minor.

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 2.1 – Land Use Zones

The subject site is zoned SP1-Special Activities and the proposal is a permissible form of development with Council's consent.

Part 4 – Principal Development Standards

Height of Buildings

The proposed development does not have an impact to the existing building height. The proposal involves works that are inside an existing building. As such, the provisions and objectives of this clause remain to satisfied.

Floor Space Ratio

The site is not governed by the floor space ratio development standard. While this is the case, a consideration has been given to the objectives of the standard. It is considered that the additional 18m² of additional gross floor area is consistent with the objectives of the standard and it does not intensify the existing use of the shops that would result to any adverse impacts to neighbouring properties or traffic.

Part 5 – Miscellaneous Provisions

Flood Planning

The subject site has been identified as being at or below the flood planning level. However, the proposed development is not going to be impacted by flooding nor it will have an impact to the flood behaviour. The provisions and objectives of the clause is considered to be satisfied.

Part 6 – Additional Local Provisions

Acid Sulfate Soils

The subject is identified as having Classes 3 and 5 Acid Sulfate Soils. Nevertheless, the proposal will not involve any excavation that would trigger a development consent being required under this clause. As such, the clause is considered not relevant to the application.

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 H – Waste Management (SCDCP 2005)

In accordance with Part H of Strathfield CDCP 2005, a waste management plan was submitted with the application. The plan details measure for waste during demolition and construction, and the on-going waste generated by the development during its use. It is considered that this plan adequately address Part H and considered satisfactory.

(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 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 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 not required to be placed on neighbour notification due to the minor works proposed.

(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 DIRECT SECTION 7.11 CONTRIBUTIONS PLAN

Section 7.11 Contributions are applicable to the proposed development in accordance with the Strathfield Direct Development Contributions Plan 2010-2030 as follows:

Provision of Community Facilities	\$ 0.00
Provision of Major Open Space	\$ 2,232.75
Provision of Local Open Space	\$ 491.61
Provision Roads and traffic Management	\$ 0.00
Administration	\$ 40.97
TOTAL	\$ 2,765.33

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 SCDGP 2005.

Following detailed assessment it is considered that Development Application No. 2022/56 should be approved subject to the attached conditions of consent.



Signed:

P Santos
Senior Planner

Date: 7 June 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 applicable to this development and have been levied accordingly.

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
Proposed Floor Plans, Elevation, Sections and Existing Floor Plans	DA02	27/01/2022	A	Building Design & Drafting Services

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

2. 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).

Please contact council prior to the payment of s7.11 or s7.12 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://longservice.force.com/bci/s/levy-calculator	\$ 212.50
DEVELOPMENT CONTRIBUTIONS	
Strathfield Section 94 Development Contributions - Roads and Traffic Management	\$ 0.00
Strathfield Section 94 Development Contributions – Local Open Space	\$ 491.61
Strathfield Section 94 Development Contributions – Major Open Space	\$ 2,232.75
Strathfield Section 94 Development Contributions – Community Facilities	\$ 0.00
Strathfield Section 94 Development Contributions - Administration	\$ 40.97
TOTAL	\$ 2,765.33

General Fees

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.

Development Contributions

The Section 7.11 contribution (s94) is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area pursuant to the Strathfield Direct Development Contributions Plan 2010-2030.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected at Council's Customer Service Centre at 65 Homebush Road, Strathfield or on Council's website www.strathfield.nsw.gov.au.

3. **Engineer's Certificate**

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

4. **Demolition & Asbestos**

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015)

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

DURING CONSTRUCTION

5. **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 REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

6. Requirement for a Construction Certificate

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

7. Appointment of a Principal Certifier

Building and/or demolition works must not commence until the applicant has:

- (a) appointed a Principal Certifier 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 Principal Certifier 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.

PRESCRIBED CONDITIONS

8. Clause 69 – Building Code of Australia & Home Building Act 1989

Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.

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

5. **Long Service Levy**

The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

6. **Site Safety Fencing**

Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).