

IDAP REPORT

Property:	Shop 9 Strathfield SQ/ Railway Lands STRATHFIELD PLT: 2 DP: 1001738 DA2022.133
Proposal:	Shop tenancy fit out and installation of signage.
Applicant:	EzyMart
Owner:	Transport Asset Holding Entity (TfNSW)
Date of lodgement:	27 July 2022
Notification period:	N/A
Submissions received:	N/A
Assessment officer:	P Santos
Estimated cost of works:	\$61,500.00
Zoning:	SP2- Rail Infrastructure - SLEP 2012
Heritage:	Yes – Strathfield Railway Station (State)
Flood affected:	Yes
RECOMMENDATION OF OFFICER:	APPROVAL



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

EXECUTIVE SUMMARY

Proposal

Development consent is being sought for shop tenancy fit out and installation of signage.

Site and Locality

The subject site is legally described as PLT: 2 DP: 1001738 and commonly known as Shop 9 Strathfield SQ/ Railway Lands, Strathfield. It is located off the northern side of Strathfield Square near the round-about intersection with The Boulevard.

The site is an existing space at ground level, previously occupied by the railway ticketing booth. The building currently comprises several retail premises already operating.

State Environmental Planning Policy (Transport & Infrastructure) 2021

In accordance with s2.92 of the SEPP, the proposal is permissible with consent.

Strathfield Local Environmental Plan

The site is zoned SP2-Infrastructure under the provisions of Strathfield LEP 2012. 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 2022/133 is recommended for approval subject to suitable conditions of consent.

REPORT IN FULL

Proposal

Council has received an application for the shop tenancy fit out and installation of signage.

More specifically, the proposal includes:

- Use as retail premises (EzyMart) with the following operational details:
 - Operating hours: 6.00AM to 12.00AM, Monday to Sunday
 - Staff #: 1-3 at any one time
- Internal fit-out
- Internal and external alterations (non-structural)
- Signage

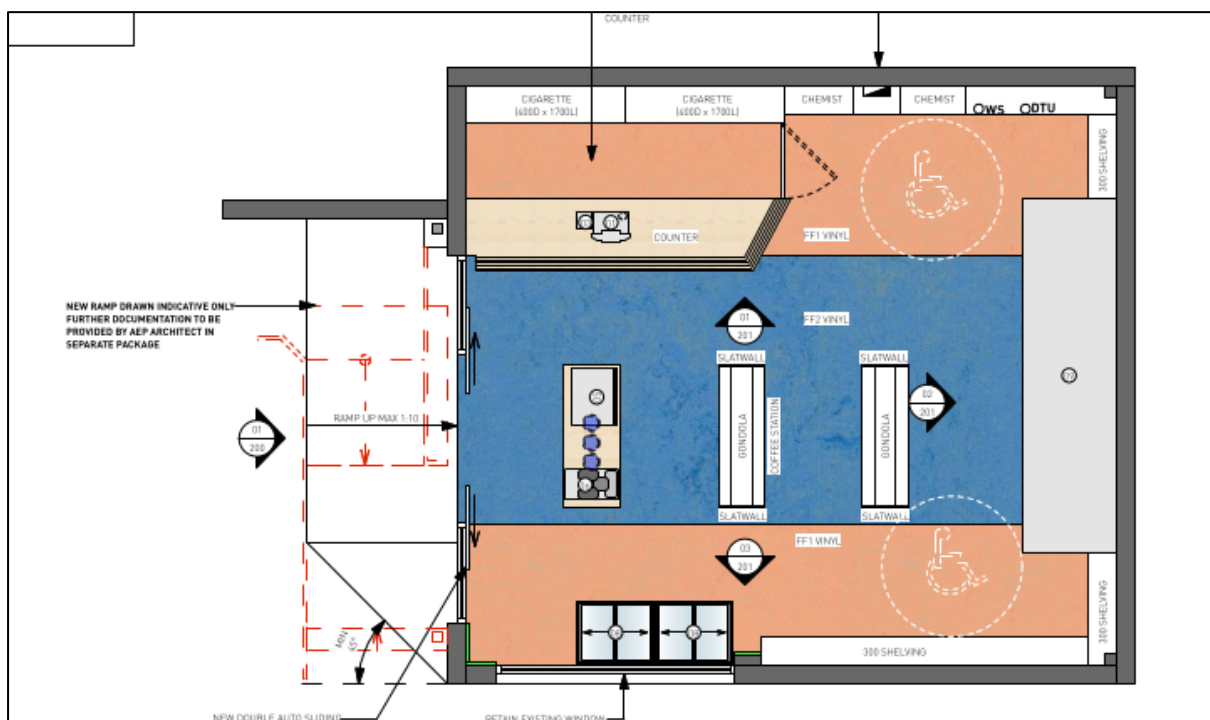


Figure 1. Extract of the proposed layout plan (floor plan).

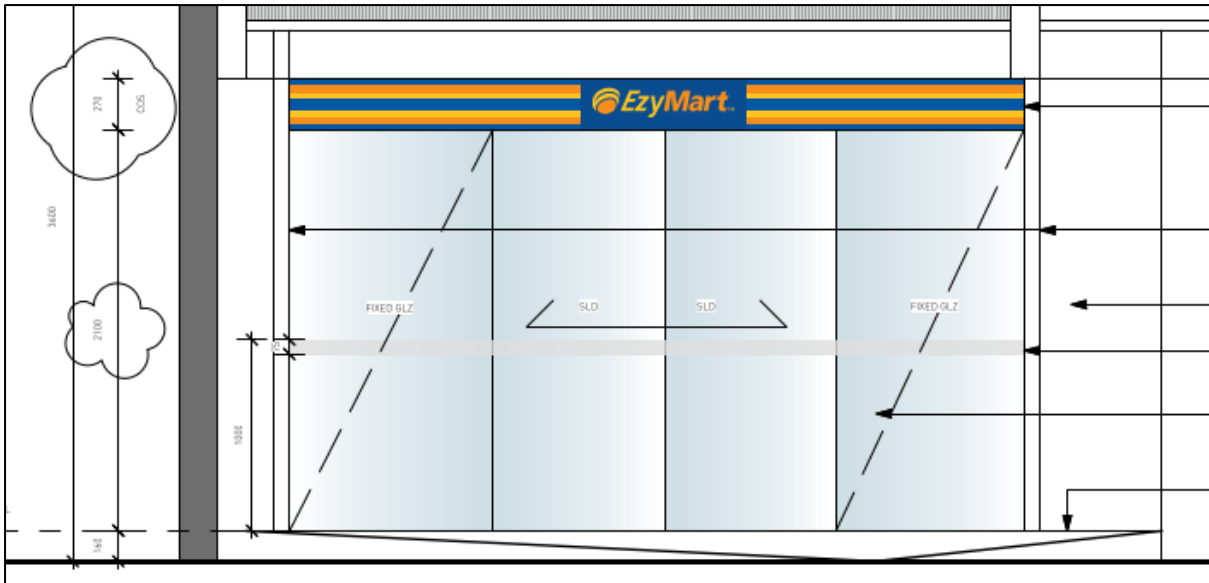


Figure 2. Extract of the western elevation of the proposed shop.

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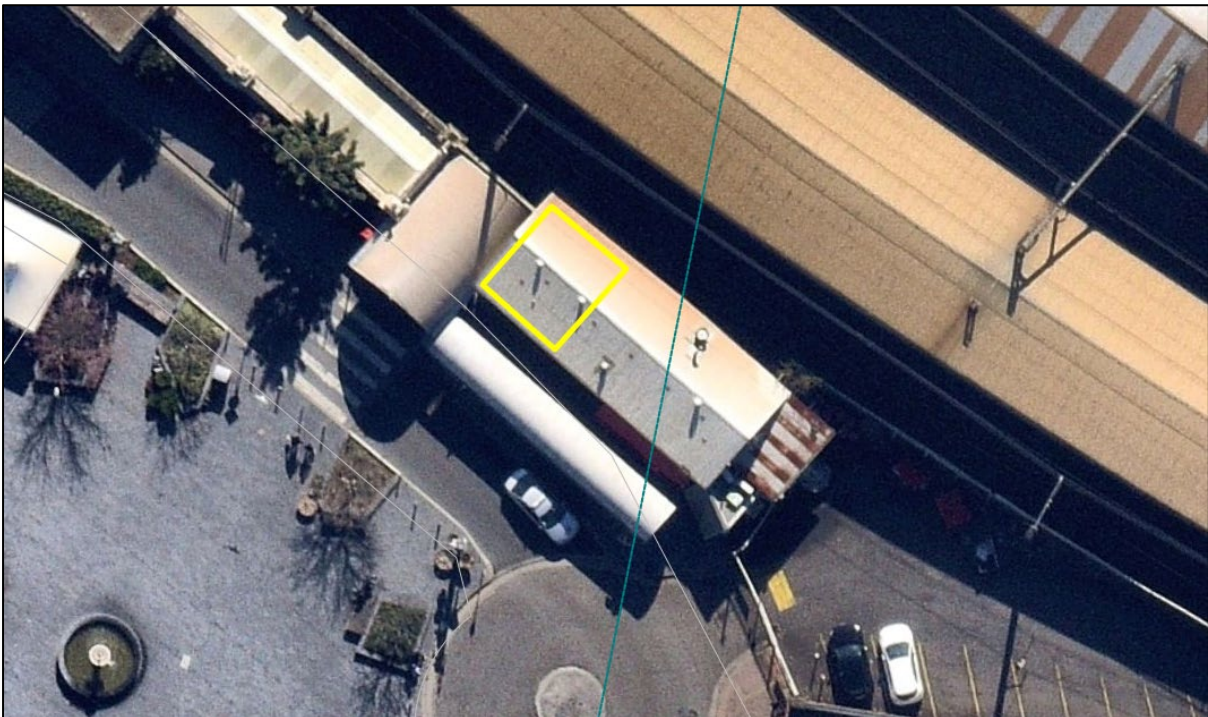


Figure 3. Aerial imagery of the subject site (outlined in yellow).



Figure 4. Subject site (outlined in red).



Figure 5. Subject site.



Figure 6. Subject site's western elevation (facing ramp leading to the train platforms).



Figure 7. The subject site (outlined in red) and the shops immediate next to it. The roundabout of the intersection between Strathfield Square and The Boulevard on the right side of the image.

Background

27 July 2022 The subject application was lodged.

29 July 2022 Council's Planner carried out a site visit.

Referrals – Internal and External

The nature of the proposal did not warrant internal or external referrals to be made.

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 (INDUSTRY AND EMPLOYMENT) 2021

Chapter 3 – Advertising and Signage

The proposed signage of EzyMart shown in Figure 2 satisfies the objectives and provisions of the SEPP including the assessment criteria in Schedule 5.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 – Vegetation in non-rural areas

The intent of this Chapter within the SEPP is related to the protection of the biodiversity values of trees and other vegetation on the site.

The proposed development does not involve any 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.

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.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 – Infrastructure

Section 2.94 of the SEPP permits the proposed development with consent.

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 SP2 - Railway Infrastructure. The SEPP (Transport and Infrastructure) 2021 that prevails over the SLEP permits the development proposed with consent.

Part 4 – Principal Development Standards

The proposal does not trigger an assessment against the principal development standards.

Part 5 – Miscellaneous Provisions

Heritage Conservation

The proposal has been identified as a State-significant Heritage Item I199 Strathfield Railway Station under Schedule 5 of the SLEP.

It is acknowledged that the proposal is for the re-purposing of a previous ticketing booth or space to a retail premise – EzyMart. The proposal is considered minor in nature and that an approval from NSW Government Heritage Council was obtained as the site is State-significant and is listed in the State heritage register.

As mentioned above, an approval under s60 of the Heritage Act 1977 has been obtained by the proponent rendering support to the proposal subject to conditions. As this relates to a different Act, the conditions imposed on this approval will not be considered or carried over in this application and will remain a separate matter.

Flood Planning

The subject site has been identified as being at or below the flood planning level. However, the proposal is for the use of a retail premise that will utilise an existing built structure. As such, the proposed development is considered to satisfy the objectives of this clause.

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 a 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.

DCP No. 13 – Strathfield Town Centre

The DCP applies to the site being in the town centre.

Parking

The proposal relates to an existing built structure. No increase in leasable floor area is part of the proposal and as such, no additional parking should be required. Further, the development area is located within the railway corridor – transportation is not an issue.

Signage

The proposed signage on the shopfront satisfies the objectives and provisions of the DCP relating to signage.

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.

PART P – Heritage (SCDCP 2005)

The proposal involves a development within a subject property that is identified as State-significant in the LEP and is within the State heritage register. The application would normally be referred to Heritage NSW for their comments. However, the proponent had undertaken works application (s60 of *Heritage Act 1977*) with Heritage NSW and an approval was obtained subject to conditions.

With the approval of Heritage NSW to the proposed development, it is taken that the objectives of the DCP are satisfied and that the proposal will not have adverse impact to the heritage significance of the item.

(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 character that is in keeping with other developments being in the locality. The scale will be retained as the proposal involves utilisation of an existing built structure. 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,*

The proposed development will be consistent with the existing uses in the immediate locality. The scale will remain the same and the signage design will not have adverse impacts on to the heritage significance of the railway station. As such, the proposal is suitable for the site.

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

In accordance with the provisions of Council's Community Participation Plan, the application did not require neighbour notification.

(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.

Based on the Cost of Works of \$61,500.00, no contributions are required to be levied in this application.

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 SCDCP 2005.

Following detailed assessment it is considered that Development Application No. 2022/133 should be approved, subject to the conditions of consent.



Signed:

P Santos
Senior Planner

Date: 22 August 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 by;



Signed:

W van Wyk
Planner

Date: 22 August 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.

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
Condensor Location	A-002	11/08/2021	A	Morris Co Design
Site & Location Plan	A-100	09/08/2021	A	Morris Co Design
Layout Plan	A-101	14/10/2021	H	Morris Co Design
Shopfront Elevation	A-200	19/10/2021	E	Morris Co Design
Shopfront Details & Fixing	A-300	10/12/2021	E	Morris Co Design
Shopfront Details	A-301	10/12/2021	E	Morris Co Design
Heritage Impact Statement	-	29/03/2022	-	Long Blackledge Architects
Waste Management Plan	-	Received by Council – 11/07/2022	-	-

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

2. 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

3. 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	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	\$ 216.00
Security Damage Deposit	\$ 2,700.00
Administration Fee for Damage Deposit	\$ 130.00

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.

4. 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: \$2,700.00
- (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.

5. **Site Management Plan**

Minor Development

A Site Management Plan detailing all weather access control points, waste management plans, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

6. **Access for Persons with a Disability**

Access for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

DURING CONSTRUCTION

7. **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.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

8. **Fire Safety Certificate before Occupation or Use**

In accordance with Clause 41 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 83 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 86 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021 - NSW Legislation](#). In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

9. Requirement for a Construction Certificate

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

10. 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.

11. Notice of Commencement

The applicant must give at least two days notice to the Council and the Principal Certifier of their intention to commence the erection or demolition of a building.

12. 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.

PRESCRIBED CONDITIONS

13. 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.

14. Clause 70 – Erection of Signs

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.

ADVISORY NOTES

i. **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.

ii. **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.

iii. **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.

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

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

v. **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.

vi. **Disability Discrimination Act**

This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

vii. **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).