

SUMMARY

PROPERTY:	Council Kiosk, Strathfield Square
DA NO.:	2009/44
APPLICATION TYPE:	Modifications to existing Kiosk
REPORT BY:	Jason Wong
RECOMMENDATION:	APPROVAL
SUBMISSIONS:	Nil
ZONING:	Open Space 6(a)
DATE APPLICATION LODGED:	18 March 2009
COST:	\$23,000
APPLICANT:	JKL Design
OWNER:	Strathfield Municipal Council

INTRODUCTION

The proposal seeks a Section 68 Approval under the Local Government Act 1993 for modifications and a new grease trap to the existing Kiosk at Strathfield Square, Strathfield.

The proposal will be located on Council land zoned Open Space 6(a).

The proposal complies with the Local Government Act 1993 and is recommended for approval.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is Strathfield Square within the Strathfield Town Centre, Strathfield. The portion of the Square which is proposed to accommodate the works is zoned Open Space 6(a) under the Strathfield Planning Scheme Ordinance 1969. This land is classified as Community Land.

Strathfield Square adjoins the southern entrance to Strathfield Railway Station and is bounded by one-way roads around the central paved portion of the Square. Strathfield Square contains existing furniture including lighting, planter boxes, bench seating, bubblers and a fountain. The periphery of the Square is lined with existing mature trees. Strathfield Plaza is located to the south.

The existing Kiosk, to which the proposed works relate, is located on the western side of Strathfield Square. It is a 42m² single storey brick and rendered building accommodating a restaurant with outdoor dining and also has a bus shelter on its western side facing the road. A disabled toilet is provided within the Kiosk building.

PROPOSAL

The applicant seeks an approval under Section 68 of the Local Government Act 1993 for modifications and a new grease trap to the existing Kiosk.

The elements of the proposal are:

- New dishwashing machine to kitchen and associated floor waste connection;
- New 1,000 litre in-ground grease trap (2m long by 750mm wide and 1.5m deep) to be installed on the eastern side of the Kiosk adjacent to the toilet and associated floor waste and sewer connections; and
- Servicing of the grease trap by a two (2) tonne-size truck within the Square with collections to occur every three (3) months outside of peak hours.

The applicants' waste contractor has confirmed the maximum loaded weight of a service vehicle is 8 tonnes. Council's Parks Section has advised this weight exceeds the structural capacity of the paving within the Square, accordingly servicing will not be able to be undertaken from the Square. The applicants' waste contractor has advised that the grease trap can be serviced from the adjacent road to the west of the Kiosk (within the bus stop).

Accordingly, any vehicle servicing the grease trap would need to stand on the surrounding roads.

The applicants' waste contractor has also provided the following comments:

- If required, the site can be serviced between 12 midnight and 6am;
- The grease trap should have a close-fitting lid to ameliorate potential odour issues;
- The duration of servicing will be 20 minutes;
- Night-time collections would be preferable to minimise odour impacts on pedestrians; and
- The vacuum equipment to service the grease trap will have a typical maximum noise output of 60dBA.

A site plan and details are **attached (2)**.

BACKGROUND

The following actions are applicable to the subject proposal.

- 24 September 2002 – Public notification placed in newspaper calling for expressions of interest for the construction of a Kiosk and Bush Shelter and/or operating lease of a Kiosk in the Strathfield Town Centre.
- 18 February 2003 – Council resolved to construct the bus shelter/kiosk and enter into a lease for the kiosk.
- 18 March 2003 – Council resolved to adopt the Strathfield Square Town Centre Plan of Management.
- 18 March 2003 - Approval granted to DA0203/139 to demolish the existing bus shelter and construct a new bus shelter and Kiosk with outdoor dining and sanitary facility for persons with disabilities.
- 10 July 2003 – Construction Certificate issued for DA0203/139.
- 9 November 2004 – Section 68 Approval granted under the Local Government Act 1993 for street vending for the purpose of operating a café within the Kiosk.
- 22 April 2005 – Approval issued to Section 96 modification for amended operating hours to DA0203/139.
- 6 July 2006 – Approval granted to DA0506/126 to erect four (4) retractable awnings and installation of ventilation hood to the Kiosk.
- 17 August 2006 – Section 68 Approval granted under the Local Government Act 1993 for the installation of fixed umbrella type structures over the existing seating area and installation of ventilation hood for existing Kiosk.
- 2 February 2007 – Construction Certificate issued for DA0506/126.

ASSESSMENT – *Local Government Act 1993*

Section 35 of the Act requires community land to be used and managed in accordance with any Plan of Management (PoM) for the site. On 18 March 2003, Council resolved to adopt the Strathfield Square Town Centre Plan of Management. This Plan applies to the subject site and surrounds. The proposal is consistent with the Management Principles in the PoM as it will maintain access in accordance with the Disability Discrimination Act, will have no effect on existing trees and encourages commercial use of the Square.

The proposal also satisfies the core objectives for the management of community land categorised as general community use specified in Section 36I of the Act. In this regard, the proposal will encourage the use of the land and provide facilities to meet the current and future needs of the local community and of the wider public.

Under Section 68, installing waste treatment devices and associated drainage connections requires approval from Council.

Although there are no specific matters for consideration under Section 68, the proposed development is considered to be acceptable for the following reasons:

- The proposal will have no adverse visual impacts on surrounding land;

- The parking of collection vehicles within the roadway adjacent to the Kiosk is unlikely to endanger persons or vehicles using the road;
- It is unlikely to have an adverse impact upon the heritage significance and setting of Strathfield Railway Station which is identified as a heritage item;
- In the event of approval, suitable conditions of consent can be imposed to ensure construction management measures are implemented to maintain pedestrian comfort, safety and convenience;
- The proposed development will not adversely affect the long-term usefulness of the land for recreation in accordance with the plan of management for the land;
- The proposal is unlikely to adversely impact on the locality and likely use of the land or diminish public use and access to public open space; and
- Subject to the imposition of conditions, suitable waste management measures can be implemented.

The procedures for considering and determining an application for development under the Local Government Act 1993 differ to those under the Environmental Planning and Assessment (EP&A) Act 1979. In this regard, development under the EP&A Act 1979 would typically be subject to a Development Consent, with any detailed specifications submitted and assessed prior to the issue of a Construction Certificate.

An approval under Section 68 of the Local Government Act 1993 covers both the development and construction aspects of a proposal. Accordingly, Council will require full details and specifications for the proposal, prior to issuing any approval. The applicant has been advised of this requirement.

INTERNAL REFERRALS

The proposal was referred to Council's Environmental Health Officer, Parks Section, Development Officer and Development Engineer. They have assessed the proposal to be acceptable subject to the imposition of conditions, which have been included within the recommendation.

OTHER MATTERS

Advice from Sydney Buses

Council Officers have consulted Sydney Buses in relation to the proposed development and have been advised that there is no objection to the grease trap being serviced from the roadway, provided servicing is not undertaken while bus services are running (between 6.00am and 12 midnight).

Public Notification

The proposed development was not required to be publicly exhibited under the Local Government Act 1993.

CONCLUSION

The proposed development seeks approval under Section 68 of the Local Government Act 1993, as it involves works on public land.

The proposal complies with the relevant provisions of the Local Government Act 1993, and is also consistent with the adopted Strathfield Square Town Centre Plan of Management.

RECOMMENDATION

That the Section 68 application for modifications and a new grease trap to the existing Kiosk at Strathfield Square, Strathfield, be APPROVED subject to the following conditions:

CONDITIONS OF

Plans

1. The development shall be completed in accordance with the endorsed plans and documents accompanying this approval, prior to the building being used or occupied, and subject to any variation as required by conditions of this approval.
2. A copy of the endorsed plans and specifications, together with a copy of this approval are to be retained on site at all times.

General

3. The grease trap shall be installed and constructed in accordance with the relevant standards and the requirements of Sydney Water.
4. Prior to the cooking or processing of food within the Kiosk, a trade waste agreement shall be entered into with Sydney Water.
5. The cooking or processing of food within the Kiosk shall not occur until the development has been completed in accordance with the conditions of this approval, and Council has issued written advice confirming all works have been satisfactorily completed.
6. A Works Permit shall be obtained from Council's Customer Service Centre at least 48 hours prior to undertaking any works on public/Council-controlled areas. The permit must be retained on site at all times.
7. All emissions including noise from the premises shall comply with the provisions of the Protection of the Environment Operations Act 1997 and Regulations.

8. Any disturbance to public land as a result of the proposed development shall be restored at no cost to Council.

Drainage/Stormwater

9. For drainage works within public land or connecting to Council's stormwater drainage system the following inspections will be required:-
- (a) After the excavation of pipeline trenches.
 - (b) After the laying of all pipes prior to backfilling.
 - (c) After the completion of all pits and connection points.

A minimum of 48 hours notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Works and Services section on 9748-9999 during office hours. Work is not to proceed until the works are inspected and approved by Council.

Landscaping/Tree Matters

10. All existing trees on the site and all street trees are covered by Council's Tree Preservation Order and shall not be removed, lopped or pruned unless there is express permission stipulated in a condition of this approval or there is written approval from the Council.

Site Operation

11. All waste contractors vehicles associated with the Kiosk are not permitted to enter Strathfield Square, or stand on the adjacent footpath, access driveways or landscaped areas.
12. The proprietors of the venue shall be responsible at all times for the cleanliness of the area surrounding the Kiosk, including the grease trap and roadway.
13. Servicing of the grease trap shall only be undertaken between 5.00am and 6.00am weekdays, with no collection to occur on Saturday, Sunday or public holidays.
14. A Traffic Management Plan prepared by a suitably qualified person shall be submitted to and approved by Council prior to works commencing.

Construction Matters

15. Certification shall be obtained from a registered surveyor at completion of construction confirming that the building has been constructed in accordance with the approved plans and conditions of approval.
16. The finished ground surface levels shall match the existing levels.
17. All construction, demolition and excavation work shall be restricted to 7am and 5pm (Eastern Standard Time) on Mondays to Saturdays (inclusive) and prohibited on Sundays and public holidays.

18. The public area adjacent to a work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
19. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
20. All temporary buildings shall be removed from the site at the completion of the development.

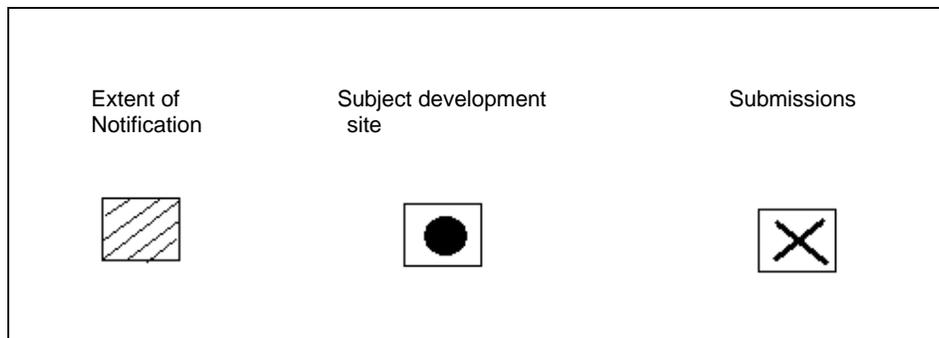
Waste Management

21. Full compliance must be given to the endorsed Waste Management Plan submitted for the proposed development. Copies of any weighbridge receipts from all approved waste disposal facilities shall be retained for presentation to Council upon request.

LIST OF ATTACHMENTS

1. Locality map

Key:



2. Site plans and elevations