

# City of Canada Bay

JB/LM/A3661-1, A3661-2, A3767-010  
(Refer EPD 8/26/00)

MASTERPLAN

## Notice of Determination of a Development Application

Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act, 1979 (as amended)

<b>Development Application No.</b>	285/00
<b>Applicant</b> Name: Address:	Kirela Pty Ltd C/- Urbis, Level 10, 39-41 York Street, Sydney 2000
<b>Subject Property</b> Land to be Developed:	11-13 and 16-22 George Street, North Strathfield 2137
<b>Proposed Development</b>	Masterplan for Redevelopment of the Former Arnotts Biscuit Factory Site
<b>Building Code of Australia Building Classification</b>	Class 2,5,6,7 & 9
<b>Determination Date</b>	21 <sup>st</sup> November, 2000
<b>Endorsement Date</b>	13 DEC 2000
<b>Determination</b>	Consent granted subject to conditions described below

### CONDITIONS OF CONSENT

#### GENERAL CONDITIONS

##### 1. Consent & Approved Plans:

Development shall take place and operate in accordance with this consent accompanied by Plan numbered MP-01-06, prepared by Perkowitz and Ruth Architects, dated September, 2000 and the Statement of Environmental Effects prepared by Urbis Pty Ltd, and as received by Concord Council on 19<sup>th</sup> September, 2000, except where otherwise altered or amended by the conditions listed hereunder.

Please read the conditions of this development consent carefully and make sure that you understand all the conditions that have been imposed.

**NB:** Any minor modification to the approved plans shall require the lodgement, and assessment of an "Application to Modify Consent" pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, (as amended). Major modifications to the approved plans shall require the lodgement, and consideration of a new Development Application.

Civic Centre, Marlborough Street, Drummoyne 2047  
Locked Bag 1470, Drummoyne 1470  
Phone 1300 133 052 Fax (02) 9819 6803 DX 21021 Drummoyne  
council@canadabay.nsw.gov.au

City of Canada Bay Council

Assessment No. A3661-1, A3661-2, A3767-010  
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2. **Separate Approvals:** Separate Development Approval shall be obtained for each stage of the Development.
3. **Other Sydney Water Approvals:** The approved plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped.
4. This Development Consent does not constitute approval to carry out any demolition or construction work.

Note: A construction certificate is not required for demolition.

5. **Disability Discrimination Act:** This approval does not necessarily guarantee compliance with the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under the Act.

Your attention is drawn to AS1428 parts 2, 3, and 4 inclusive. This may be used as a comprehensive guide for disability access. ✓

6. **Access for people with disabilities:** Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. This should be addressed in any subsequent development application lodged for the site. ✓

7. **Specific Conditions:** The maximum floor space ratio (FSR) for the site shall not exceed 0.75:1, with no more than 6000m<sup>2</sup> of gross leasable floor area being used on land known as Lot 1 DP829703 and Part 20, DP813736 for shops and refreshment rooms inclusive of a maximum gross leasable floor space of 3500m<sup>2</sup> for a supermarket.

Details shall be submitted with any subsequent development applications demonstrating compliance with the above requirements. ✓

8. No access to the site shall be available from Allen Street. ✓

9. The height of Building A shall be substantially reduced to limit overshadowing on the county open space and minimise impacts on residents of Allen Street and Elliot Street.

Details shall be submitted with any subsequent development application involving Building A. ✓

10. Separate development applications will be required for the use of the retail and commercial components of the development. ✓

11. **Waste Management Plan For Demolition & Construction Works:** A waste management plan for all construction and demolition works shall be prepared in accordance with the Waste Planning Guide for Development Applications produced by Inner Sydney Waste Board. The plan shall be submitted to Council for its concurrence prior to the determination of any subsequent development application. ✓

12. Implementation and Management Plan

- (a) An Implementation and Management Plan shall be submitted to Council for its concurrence prior to the determination of any subsequent development application lodged for the site.
- (b) Implementation and Management Plan: This plan is to be prepared in consultation with Council and submitted for approval prior to any commencement of works. The plan is to ensure continuity of standards and observance of Masterplan DA conditions and including making good of any deterioration, damage or loss to infrastructure during the construction and implementation stages. Issues to be covered, but not limited to, are as follows:
- Sediment and Erosion Control
  - Safety and protection of the local residential amenity
  - Establishment of Finished Site Levels
  - Construction Noise and the procedures to be employed to limit its impact
  - Dust mitigation procedures to be employed.
  - Provision of Services
  - Internal Roadways (standard, configuration, etc.)
  - Parking (Construction workers, see also later condition)
  - Drainage
  - Address and Identification
  - Prevention of deposition of dirt, mud, etc. on public roads by construction traffic.
  - Compliance with conditions generally

13. A Transport Accessibility Management Plan must be prepared in accordance with the guidelines set by the Department of Urban Affairs and Planning and in consultation with Council's Engineering Services Department and Strathfield Council. ✓

The management plan shall be submitted to Council for its concurrence prior to the determination of any subsequent development application for any works on the site.

The Transport Accessibility Management Plan shall be prepared in accordance with the following requirements:

Pedestrians and Bicycles access

- a) The applicant to provide a grade separated pedestrian and bicycle path across Parramatta Road, the structure is to comply with AS1428 and approved by the Roads and Traffic Authority.
- b) The location of this shared cycleway is subject to clarification in conjunction with Strathfield Council and the RTA regarding Bike Plans and other planning instruments. This facility could be provided on either side of the site.
- c) The applicant is to provide a shared pedestrian and bicycle path along Powells Creek from Parramatta Road to Allen Street as a minimum and potentially further north subject to advice from Strathfield Council. This pathway is to be designed and constructed to Council's satisfaction. The location of this shared cycleway is subject to clarification in conjunction with Strathfield Council and the RTA regarding Bike Plans and other planning instruments. This facility could be provided on either side of Powells Creek.
- d) The proposed pedestrian bridge across Powells Creek are to be designed and constructed to Council's and Sydney Water's satisfaction. These bridges are to provide dual access for pedestrians and cyclists.

- e) The applicant is to provide a concrete footpath on Hamilton Street from George Street to the railway line. This path is to link with the existing pathway area to North Strathfield Railway Station. The pathway is to be designed and constructed to Council's satisfaction.
- f) The applicant is to provide end of trip facilities for cyclists (showers, secure bike lockers, change rooms), these facilities are to be accessible to all employees of the development.
- g) The applicant is to provide secure bicycle lockers that are accessible by the general public/customers of the future development.
- h) The applicant is to ensure that the street lighting is upgraded as appropriate on George Street, Hamilton Street and Allen Street to Energy Australia's requirements to suit traffic demands and the developments proposed pedestrian uses.
- i) The applicant is to provide an off roadway area along the eastern alignment of the site. Shared pedestrian/bike path linking the site with North Strathfield Railway Station to the east and Parramatta Road to the south. This pathway shall be constructed to Council's satisfaction.

Vehicle access requirements:

- j) The applicant is required to develop traffic calming measures to reduce traffic impact on the adjacent residential area. Any traffic calming proposed on George Street shall not restrict the flow or classification of vehicles along the road, however speed reduction devices could be considered.
- k) All vehicles are to enter and exit the site in a forward direction.
- l) The applicant is to ensure that there is no queuing of heavy vehicles associated with the proposed development on public streets in the vicinity of the of the development site.
- m) All driveways to comply with AS2890
- n) The applicant is to design and construct traffic management devices, at their own cost, in conjunction with Council and to the satisfaction of Council on George Street and Allen Street and is to incorporate the following:
  - i) Two-way traffic flow on George Street.
  - ii) No vehicular access to the site from Allen Street.
  - iii) Through traffic on George Street is not to be impeded by turning vehicles accessing the site (provision of turning lanes).
  - iv) The construction of cul-de-sac on Allen Street at either side of Powells Creek. The applicant is to remove / reinstate / refurbish the road bridge and replace this structure with a shared pedestrian / bike bridge. The bridge is to be designed and constructed to Council satisfaction at the applicant's cost.
  - v) No shared roadway for pedestrians and vehicles.
  - vi) All devices are to be designed and constructed to Council's satisfaction.
  - vii) A roundabout shall be constructed at the main entrance/exit of the site.
- o) All car parking areas are to comply with Australian Standards and Council's requirements.
- p) The effectiveness of the intersection of George Street and Parramatta Road is to be assessed by the Roads and Traffic Authority.

14. A Stormwater Management Plan must be prepared for the entire site. The plan must be prepared in consultation with Council's Engineering Services and concurred with by Council prior to the determination of any subsequent development application on the site. ✓

15. **Arborist Report**: An arborist report must be submitted to Council detailing:-

All existing trees and vegetation on site that will be affected directly or indirectly by the Development. This must include species, height, estimated age, condition (S.U.L.E. – Safe Useful Life Expectancy).

The following information must be included:-

- What trees are to be removed or retained.
- Protection measures\* around retained trees, including size of the area, materials used for protection, duration of protection measures. Schedule of implementation and inspections ie. the arborist must report to Council informing when protection measures are in place and do regular (fortnightly) inspections and report on implementation and maintenance of protection measures.
- The effect the Development will have on existing trees.
- Replacement species and location.
- Transplanting method procedure and locations (if applicable).
- Protection measures may include fencing, irrigation, mulching, signage exclusion zones, pruning and on site meetings, discussions.

16. The two significant Fig trees on the site are to be retained.

17. Detailed landscape plans and arborists report must be submitted with each subsequent development application lodged for the site. The arborists report must detail each tree on site, including any street trees, which are to be retained and those measures to be implemented to ensure their retention during the construction phase and those marked for removal.

18. **DEMOLITION/CONSTRUCTION WASTE MANAGEMENT:**

A comprehensive Waste Management Plan (WMP) for each stage of the proposed development shall be submitted which covers the reuse, recycling and disposal of waste on and off site. Each stage of the development such as demolition (where applicable), construction and the ongoing operation of the completed premises shall be included in the WMP. The format of the WMP shall be in accordance with the Inner Sydney Waste Board's (ISWB) "Waste Planning Guide for Development Applications". The WMP shall identify the types of waste that will be generated and must advise Council on proposals to reuse, recycle or dispose of the waste. The plan must include the following information:

**Demolition (where applicable)/ Construction stage**

- (a) types of material that will be generated
- (b) estimated volumes of these materials
- (c) proposed reuse or onsite recycling methods
- (d) proposed off-site recycling methods
- (e) materials being disposed of at landfill

**19. ONGOING WASTE MANAGEMENT**

Provide a Waste Management Plan including the following information:

- (a) details of the location of the garbage/recyclable storage area(s)
- (b) type of collection service eg bulk waste container
- (c) frequency of collection service
- (d) type of waste likely to be generated
- (e) provision must be made for the storage of any bulky waste and/or recyclables where applicable
- (f) quantities of materials likely to be generated each week
- (g) contact details of the waste collection contractor
- (h) All waste storage areas and collection area(s) must be indicated on the plan

Consult with Council's Environmental Services section prior to submission of each Waste Management Plan to ensure that the correct information is being provided.

**GENERAL TERMS OF APPROVAL  
RIVERS AND FORESHORES IMPROVEMENT ACT 1948  
PART 3A PERMIT**

- 20.** In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Land and Water Conservation (DLWC) has an approval role in relation to a development application (DA) for local development lodged with **Concord Council (DA285/00)**.

A permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&FI Act) is required to carry out the proposed works at **11-13 George Street, North Strathfield (Lots 1 & 2 DP829703 and Lot 1 DP1002876)**. Pursuant to Part 3A of the R&FI Act, the Department, having reviewed the documentation associated with the DA, proposes to grant an approval to **DA285/00** (as presented). The Department's General Terms of Approval, for inclusion as conditions of consent are set out below.

**1 General and Administrative Issues**

- 1.1** The work to which these general terms of approval apply is not to commence until such time as a formal permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 has been issued from DLWC.
- 1.2** If in the opinion of a DLWC officer any work is being carried out in such a manner that it may damage or detrimentally affect the watercourse, or damage or interfere in any way with any work, the operation on that section of the watercourse shall cease immediately upon oral or written direction of such officer.
- 1.3** Work as executed survey plans shall be forwarded to the Department upon request.
- 1.4** If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the Department. If the necessary works are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.
- 1.5** Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent stream banks. The permit holder shall carry out any instructions given by DLWC with a view to preventing damage to the banks.
- 1.6** Any vegetation or other material removed from the area of operations shall be disposed of to an appropriate site where the debris cannot be swept back into the river during a flood.

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Application No. 285/00**

- 1.7** When the works are to cease, DLWC is to be notified one (1) month in advance of the cessation of the operation.
- 2** **Conditions Specific to DA285/00**
- 2.1** Work is to be carried out in accordance with any conditions imposed by other government agencies.
- 2.2** Work is to be carried out in accordance with drawings approved by DLWC and which will accompany the 3A Permit.
- 2.3** Excavated material shall be transported from the excavation site and disposed of in accordance with the development application.
- 2.4** A *Soil and Water Management Plan* for the works is to be prepared by a suitably qualified person, to the satisfaction of Council and DLWC, and approved by DLWC, prior to the issue of a 3A Permit. The Plan is to meet the requirements outlined in Chapter 3 of the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998).
- 2.5** Weeds are to be removed and then replaced by vegetation native to the local area. All significant trees that are removed must be replaced elsewhere on the site.
- 2.6** A vegetated riparian zone is to be established along each side of Powells Creek. The riparian zone is to be a minimum of 20 metres wide on the eastern side of the creek and a minimum of 15 metres wide on the western side of the creek (measured horizontally from the outer edge of the concrete channel).
- 2.7** A Vegetation Management Plan is to be prepared in consultation with, and with the approval of DLWC. The Plan is to describe in detail the proposed establishment and restoration of the riparian zone using native vegetation propagated from local species, staging of works, stormwater works (taking an environmentally sympathetic engineering approach), vegetation to be retained, the management of any impact due to shading on the riparian zones by the proposed buildings, maintenance, monitoring and performance criteria, who is to undertake the tasks and the costs of all tasks. Any long-term tasks are to be costed on an indexed basis using the CPI.
- 2.8** Within a time frame specified by DLWC, a bank guarantee from any bank licensed pursuant to the Banking Act 1959 (Cth) is to be provided in favour of DLWC, for an amount equal to the cost of restoring the riparian zone in accordance with the *Vegetation Management Plan*, and subject to the approval of DLWC. The moneys will be held until such time as the restoration works and any specified maintenance period are complete. The sum held may be reduced on application to DLWC, subject to the satisfactory completion of stages of restoration. DLWC may at any time, and more than once and without notice to the Permit holder, demand all or part of the moneys available under the bank guarantee, if in its opinion, the Permit holder has failed at any time to meet the performance criteria set out in the Plan.
- 2.9** Work is to be carried out in accordance with drawings approved by DLWC and which will accompany the 3A Permit.

**General Advice**

- A** A Part 3A Permit, subject to conditions, will be issued for the proposed works upon application, and upon payment of the appropriate fee.
- B** Permits are generally granted for a period of twelve (12) months from the date of formal approval and renewable on an annual basis. Any application for renewal shall be lodged three (3) months prior to the expiry date.

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- C Three (3) sets of drawings, consisting of plans, long sections, cross sections and detail drawings of all engineering works, to the satisfaction of DLWC, and all "Plans" referred to in the General Terms of Approval, are to be provided to DLWC to allow Part 3A Permit preparation.
- D The rehabilitation of the area to the satisfaction of the Department is the responsibility of the permit holder and the owner or occupier of the land.
- E The permit holder and the owner or occupier of the land are responsible for any excavation or soil removal undertaken by any other person or company at this site.
- F Any Part 3A Permit granted is not transferable to any other person or company and does not allow operations at any other site.
- G Any Part 3A Permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.
- H These general terms of approval are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, this permit is rendered null and void and the occupier of Crown Land should contact DLWC.
- I To issue a Part 3A Permit, the Department will require full details on land ownership of all areas affected by the proposed works, and authorisation for the works by relevant landowners.

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The reason for the imposition of the conditions:-

These conditions have been required in the public interest to protect the amenity of the neighbourhood, and to ensure compliance with the aims and objectives of the Environmental Planning & Assessment Act, 1979 (as amended).

**ADVISORY NOTES:**

1. Pursuant to Section 83 of the Act, this consent becomes effective as at the date of endorsement.
2. In accordance with the provisions of Section 82A of the Environmental Planning and Assessment Act 1979(as amended) the applicant can request Council to review this determination. The request must be made within a period of 28 days from the date shown on this determination. A fee of \$500.00 is payable for such a review.
3. In accordance with Section 95 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work relating to the building has substantially physically commenced. **The building must be completed, in accordance with the approved plans and specifications, within five (5) years from the date when the building was substantially physically commenced.**
4. **Right of Appeal:** Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), gives the applicant the right to appeal to the Land and Environment Court within twelve (12) months after the date on which you receive this notice. Section 97 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.



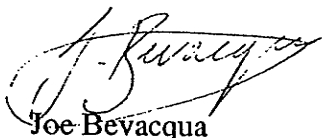
**City of Canada Bay Council**

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**Application No. 285/00**

5. The plans and/or conditions of this Consent are binding and may only be varied upon written request to Council under Section 96 of the Environmental Planning and Assessment Act, 1979 (as amended). The request shall be accompanied by the appropriate fee (which may include a notification fee of \$500.00) and application form. No action shall be taken on the requested variation unless and until the written authorisation of Council is received by way of an amended consent.
6. All side and rear boundary fencing shall be replaced by 1.8 metre high lapped timber or colorbond fence at the applicant's expense if the development impacts on the existing boundary fencing or it is damaged in the course of construction.

Should you have any further enquiries, please contact Joe Bevacqua on 9736 4700 during office interview hours between 8.30am and 10.00am and 2.00pm to 3.00pm, Monday to Friday or otherwise by personal appointment.

Yours faithfully,



**Joe Bevacqua**  
**Team Leader – Planning**

**For: General Manager**

**Per:**



## City of Canada Bay Council

KIRELA PTY LTD  
L9, 98 ARTHUR STREET  
NORTH SYDNEY 2060

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Locked Bag 1470 Drummoyne NSW 1470  
Tel: 9911 6555 \* Fax: 9911 6550  
council@canadabay.nsw.gov.au

6 NOVEMBER 2002

Dear Sir/Madam

**DEVELOPMENT APPLICATION NO: 285/2000**  
**PREMISES: 11 GEORGE STREET NORTH STRATHFIELD 2137**

Council is pleased to advise that the above Section 96 Application has been approved subject to conditions (attached).

Any further enquiries should be directed to A Cameron on 9911-6555 between 8.30am - 10.00am, Monday to Friday.

Yours sincerely,

David Furlong  
Director, Planning and Environment

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# NOTICE OF DETERMINATION

OF A SECTION 96(1A) DEVELOPMENT APPLICATION  
UNDER THE ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT, 1979



City of Canada Bay Council

**APPLICANT:** KIRELA PTY LTD  
L9, 98 ARTHUR  
STREET  
NORTH SYDNEY 2060

**DEVELOPMENT APPLICATION NO:** 285/00

**PAGE 1**

**PROPERTY DESCRIPTION - 11 GEORGE STREET NORTH STRATHFIELD 2137**

**DEVELOPMENT - REDEVELOPMENT OF THE FORMER ARNOTT'S BISCUIT FACTORY SITE**

## **DETERMINATION**

*Pursuant to Section 81(1)(a) of the Act, Council advises that the Section 96(1A) application to modify Conditions of Development Application 285/00 has been determined by:*

- **APPROVAL OF THE PROPOSAL TO MODIFY THE CONSENT ON THE GROUNDS SPECIFIED ATTACHED ON THE FOLLOWING PAGE(S)**

**BY DELEGATED AUTHORITY -**

## **RIGHT OF APPEAL**

SECTION 97 OF THE ACT CONFERS ON AN APPLICANT WHO IS DISSATISFIED WITH THE DETERMINATION OF A CONSENT AUTHORITY A RIGHT OF APPEAL TO THE LAND AND ENVIRONMENT COURT WITHIN 12 MONTHS OF THE DATE OF THIS NOTICE



**DAVID FURLONG**  
**DIRECTOR,**

**PLANNING AND ENVIRONMENT**

**DATE: 6 NOVEMBER 2002**

*Civic Centre, Marlborough Street, Drummoyne, 2047  
Locked Bag 1470, Drummoyne 1470  
Phone: (02) 9911 6555 Fax: (02) 9911 6550 DX 21021 Drummoyne  
[Council@canadabay.nsw.gov.au](mailto:Council@canadabay.nsw.gov.au)*

**CITY OF CANADA BAY COUNCIL  
NOTICE OF DETERMINATION  
OF A DEVELOPMENT APPLICATION  
UNDER THE ENVIRONMENTAL PLANNING  
AND ASSESSMENT ACT 1979 (SECTION 96(1A))**

**DEVELOPMENT APPLICATION NO:  
285/2000**

**Condition No. 16 be deleted and replaced with the following:**


A. That Consent be granted to modify Development Consent No. 285/00 on land at 11-13 and 16-22 George Street, North Strathfield only in so far as will provide for the deletion of the original description, and the insertion in lieu thereof the following new description, namely;

16A. *That the Ficus microcarpa var. 'Hillii' located in the vicinity of the proposed Building C can be removed and replaced with suitable advanced species and associated landscape areas to the satisfaction of the Director, Planning and Environmental Services*

16B. *That an arborist's report accompany any application to remove or, preferably, relocate the Ficus microcarpa var. 'Hillii' located in the vicinity of the proposed Building A.*

Please be advised that the above amendment has been made pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, and in making these amendments, Council believes that no prejudice will be caused to any persons. Please note that all other conditions contained within the original consent letter remain valid and must be complied with.

The amendment is considered minor and will not substantially change the Development Consent approved by Council. Please amend your copy of the Notice of Determination in accordance with the above.

 **PATRICK ROBINSON  
MANAGER,  
ASSESSMENT AND REGULATORY SERVICES**

per: 

**DATE: 6 NOVEMBER 2002**