

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT
DETERMINATION OF DEVELOPMENT APPLICATION No. DA 201-6-2002
STAGE 2 DA FOR DETAILED DESIGN OF LUNA PARK
ENTERTAINMENT COMPLEX PHASE E
(FILE No. S02/01513 Pt 1)

I, the Minister for Planning, in accordance with section 80 of the Environmental Planning and Assessment Act 1979 ("the Act"), clause 10 of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56), determine the development consent referred to in Schedule 1 in the manner set out in Schedule 2.

The reasons for the imposition of conditions are:

- to ensure the creation of a high quality urban environment; and
- to protect the environment and amenity of the locality while construction works are in progress.
- to protect the environment and amenity of the locality during the operation of Luna Park.

Andrew Refshauge
Minister for Planning

Sydney

2002

SCHEDULE 1

APPLICATION MADE BY:	Metro Edgley Pty Ltd 1 Olympic Drive Milsons Point NSW 1565
TO:	Minister for Planning
DEVELOPMENT APPLICATION:	DA 201-6-2002
ON LAND BEING:	Luna Park site at 1 Olympic Drive, Milsons Point – Phase E area
FOR THE CARRYING OUT OF:	Stage 2 DA for Phase E: Detailed design of Luna Park Entertainment Complex
BUILDING CLASSIFICATION:	5, 9b

**NOTICES RELATING TO MINISTER'S DETERMINATION OF
DEVELOPMENT APPLICATION 201-6-2002**

1. To ascertain the date upon which the consent becomes effective refer to Section 83 of the Act.
2. To ascertain the date upon which the consent is liable to lapse refer to Section 95 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right to appeal to the Land and Environment Court exercisable within 12 months of the receipt of this notice.
4. The applicant should ensure that all additional approvals and agreements are obtained from other authorities, as relevant.
5. All references to:

Director-General means the Director-General of the Department of Planning or her nominee;

Department means the Department of Planning;

PCA means Principal Certifying Authority;

PlanningNSW means the Department of Planning;

Senior Planner means an officer of Urban Assessments branch of PlanningNSW holding the position of Senior Planner and officers holding a higher position

Director means an the Director, Urban Assessments branch of PlanningNSW

Council means the North Sydney Council; and

Trust means the Luna Park Reserve Trust.

Stage 1 Consent means the Stage 1 development consent granted by the Minister for Planning for the Redevelopment of Luna Park (DA 154-06-01) dated 31 January 2002.

Act means the Environmental Planning & Assessment Act 1979.

Regulations means the Environmental Planning & Assessment Regulation 2000.

"Notes" included in the consent notice are advisory and do not form part of the approval.

6. Any advice or notice to the consent authority shall be served on the Director-General of the Department of Planning.

SCHEDULE 2

GENERAL

Stage 1 Approval

1. The applicant shall comply with the relevant terms and conditions of the Stage 1 development consent granted by the Minister for Planning for the Redevelopment of Luna Park (DA 154-06-01) dated 31 January 2002, except as amended by this consent.

Documents to be complied with

2. The development shall be carried out in accordance with Development Application DA 201-6-2002 submitted by Metro Edgley Pty Ltd lodged with PlanningNSW on 21st June 2002, as described in:
 - (a) *Phase E: Luna Park Entertainment Complex – Stage 2 Development Application, Statement of Environmental Effects to Minister for Urban Affairs and Planning*, prepared by JBA Urban Planning Consultants Pty Ltd, dated June 2002;
 - (b) All consultant reports contained in the Statement of Environmental Effects report described under (a) above; and
 - (c) Drawings prepared by Hassell and identified as follows:
 - PSA6715A-MP-DA-04/E – Phase E Key Plan & Precinct Plan , June 2002;
 - PSA6715A-MP-DA-05/g – Phase E Masterplan, June 2002;
 - PSA6715A-MP-DA-06/F – Phase E Ground Level Paving & Fencing Plan, June 2002;
 - PSA6715A-MP-DA-07/D – Building Envelope Plan, June 2002;
 - PSA6715A-MP-DA-08/E – Site Elevations, June 2002;
 - PSA6715A-MP-DA-09/D – Site Sections, June 2002;
 - PSA6715A-MP-DA-10/E – Fencing & Shade Structure Details, June 2002;
 - 6715A-AB-DA-01/F – Administration Building – Ground Floor Plan, June 2002;
 - 6715A-AB-DA-02/F – Administration Building – First Floor Plan, June 2002;
 - 6715A-BD-DA-01/E – Dodgem Building – Ground Floor Plan, June 2002;
 - 6715A-BD-DA-02/F – Dodgem Building – First Floor Plan, June 2002;
 - 6715A-BD-DA-03/F – Dodgem Building – Roof Plan, June 2002;
 - 6715A-BD-DA-04/F – Dodgem Building – West Elevation, June 2002;
 - 6715A-BD-DA-05/F – Dodgem Building – East Elevation,, June 2002;
 - 6715A-BD-DA-06/E – Dodgem Building – South Elevation & E-W Section, June 2002;
 - 6715A-BD-DA-07/E – Dodgem Building – N-S Section, June 2002;
 - 6715A-LC-DA-01/G – Luna Circus – Overall Ground Plan, June 2002;
 - 6715A-LC-DA-02/F – Luna Circus – Overall West Elevation, June 2002;
 - 6715A-LC-DA-03/G – Luna Circus – Ground Floor Plan, June 2002;
 - 6715A-LC-DA-04/G – Luna Circus – First Floor Plan, June 2002;
 - 6715A-LC-DA-05/G – Luna Circus – Roof Plan, June 2002;
 - 6715A-LC-DA-06/F – Luna Circus – West Elevation, June 2002;
 - 6715A-LC-DA-07/G – Luna Circus – East Elevation, June 2002;
 - 6715A-LC-DA-08/G – Luna Circus – South Elevation & E-W Section, June 2002;

- 6715A-LC-DA-09/E – Luna Circus – N-S Section, June 2002;
- 6715A-WM-DA-01/D – Wild Mouse– Ground Floor Plan, June 2002;
- 6715A-WM-DA-02/D – Wild Mouse– First Floor Plan, June 2002;
- 6715A-WM-DA-03/D – Wild Mouse– West & East Elevations, June 2002;
- 6715A-WM-DA-04/D – Wild Mouse– North & South Elevations, June 2002;

(d) Materials details prepared by Hassell architects: -

- Luna Circus/Dodgems – Materials Board, dated May 2002; and
- Luna Circus – Stage 2 DA – Phase E for Entertainment Complex – Public Domain Schedule of external Materials, Finishes and Colours, dated June 2002.

(e) Drawings prepared by Scott Carver Pty Ltd

- A-0001B, Milsons Landing – Site/Roof Plan, 28 May 2002; and
- A-1201B, Milsons Landing – East Elevation, 28 May 2002

and subject to any variations and requirements set out in the conditions of this consent.

Design Details to be approved prior to the release of Construction Certificates

3. Circus and Circus Foyer

In order to better activate the midway elevation of the Circus building, and to better distinguish the Circus Foyer building from the Circus building, the design of Luna Circus and Circus Foyer building(s) fronting the midway shall be revised in a manner generally in accordance with drawings 6715A/LC/DA/10(2) and 11(1) "Luna Circus Midway Options" dated September 2002. Detailed drawings addressing the above, and including updated plans, sections, & elevations referred to in Condition 2 of this consent, and updated materials shall be submitted to, and approved by, the Senior Planner prior to the issue of the Construction Certificate for above ground works to the Circus or Circus Foyer buildings.

4. Pedestrian Link to/from Glen Street

Detailed plans, sections, elevations, and materials of the pedestrian link from Glen Street entrance to Luna Park shall be submitted to, and approved by, the Senior Planner prior to the issue of the Construction Certificate for the pedestrian link works.

5. Wild Mouse façade upgrade

Details of the repainting and graphics art work proposed for the southeast shop façade of the Wild Mouse building shall be submitted to, and approved by, the Senior Planner prior to the issue of the Construction Certificate for works to the Wild Mouse building.

6. Landscaping of Children's Play Area

A Landscape Plan for the Children's Play Area, showing locations of rides and details of all fencing, landscaping, materials, structures, and identifying all species of planting, and designed to assist in the screening of public views to and from the adjoining State Rail corridor and sidings shall be submitted to, and approved by, the Senior Planner, prior to the issue of the Construction Certificate for any public domain or landscaping works.

7. Proposed sign adjoining Luna Park Face and Towers

The design details and exact location of the Luna Park entrance signs (providing information about hours of operation, public transport services and timetables, and bicycle parking locations) shall be submitted to, and approved by, the Senior

Planner prior to the issue of the Construction Certificate for any public domain or landscaping works.

Compliance Reports

8. The applicant, or another party acting upon the consent, shall prior to commencement of works and then on a 3 monthly basis, submit to the Director reports documenting the compliance with this consent and each condition.

Prescribed Conditions

9. The development shall comply with the relevant prescribed conditions of development consent under clause 98 of the Regulations.
10. Before any construction works commence the applicant must appoint a PCA, who will be responsible for ensuring that all works are carried out in accordance with the approved plans and specifications. The applicant is to notify the Director and the Council of the appointment of the PCA.

Consistency of Drawings

11. In the event that the approved and stamped plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.
12. In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Some elements not approved

13. No consent is granted or implied for:
 - (a) any externally fitted or applied signs other than those shown on the approved drawings or required by a condition;
 - (b) any fitout or use of the Wild Mouse and Luna Circus buildings other than in accordance with the approved documents; and
 - (c) the installation of any externally fitted telecommunications devices.

Any proposed development involving the above matters shall be the subject of a separate application(s).

Waterways Authority General Terms of Approval

14. The applicant shall comply with the requirements of the Waterways Authority under Part 3A of the *Rivers and Foreshores Improvement Act 1948* (Part 3A permit), and submit an application to the Waterways Authority for a **Part 3A Permit** in compliance with the following general terms.
 - (a) No works are to commence at the site prior to a Part 3A Permit under the *Rivers and Foreshores Improvement Act 1984*, being issued by the Waterways authority.
 - (b) The proposed works are carried out so that:
 - (i) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Sydney Harbour; and

- (ii) No materials are likely to be carried by natural forces to the bed, shore or waters of Sydney Harbour.
- (c) Any material that does enter the waters of Sydney Harbour must be removed immediately.
- (d) In relation to condition 2 above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. A plan to manage soil, water and other pollutants during the works is to be prepared by a suitably qualified person and submitted to Waterways Authority prior to issue of the Part 3A Permit.

Methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and any other relevant Council requirements.

- (e) The erosion, sediment and pollution controls shall be installed and stabilised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.
- (f) The proposed system for erosion, sediment and pollution control is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- (g) Demolition and construction works are to be carried out in a manner that minimises the potential for materials, including sediment and other pollutants, to enter Sydney Harbour. In this regard, measures to prevent this should be in accordance with 'Luna Park Redevelopment-Waterways Management Plan' prepared by Waterway Constructions (appendix U of S.E.E. for Phase E Entertainment Complex).
- (h) Stockpiles and waste management areas are to be suitably managed to prevent materials from entering the waterway.
- (i) No information has been provided on construction methods and site management during the construction period, in particular the methods to be used to transfer materials and equipment to and from the site. Should the delivery of materials or the removal of waste be by means of barge via the foreshore then a comprehensive construction management plan is to be submitted to the Waterways Authority prior to the issue of a Part 3A permit.
- (j) In the event that a barge would be used in the construction process, satisfactory information to demonstrate protection of the sea wall is to be provided to the Waterways Authority prior to a Part 3A permit being issued.
- (k) No works are to be undertaken on land owned by Waterways Authority (i.e. below the Mean High Water Mark).

NOTE: Under Section 13TA of the *Maritime Services Act 1935*, the applicant is to gain the prior written approval of the Waterways Authority to excavate or remove soil, sand or other material, or remove a retaining wall, from land within a distance of ten metres from the high water mark. In these circumstances the applicant will be required to submit appropriate detailed information (including plans) which fully describes all the works proposed. Further detail on this approval can be obtained from the Property Services Branch (phone: 9563 8808).

NOTE: The Waterways Authority has not approved any Part 3A Permit for the subject works, and the applicant is required to make a separate application for the Part 3A Permit to the Waterways Authority before any physical works are commenced at the site.

Entertainment management

15. Outdoor events (including markets, exhibitions or performances) shall be managed within the operational restrictions set by the Stage 1 consent and the Trust.

Note: Depending on the nature of the event, other licenses or approvals may also be required.

Archaeology

16. Prior to the commencement of any excavations, an excavation permit must be obtained from the Heritage Council. All excavation works are to be carried out in accordance with any conditions of an excavation permit.
17. The applicant shall comply with recommendations contained within the Archaeological Assessment and Research design report for the Phase E works, prepared by Godden Mackay Logan, and dated June 2002, in particular the: -
 - (a) *Proposed Mitigative Strategy* (Report section 9.3); and
 - (b) *Indicative Subcontractor Contract Clauses for Archaeology* (report Appendix F).
18. Should any Aboriginal relics be uncovered, excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Heritage Mitigative Actions

19. The applicant shall comply with the Mitigative Actions proposed in the "*Heritage Impact Study Phase E Development*", (report section 7.0), prepared by Godden Mackay Logan, dated June 2002, including: -
 - (a) application of a memorial to the Ghost Train and the 1979 fire; and
 - (b) photographic archival recording.

Heritage Interpretation

20. Prior to the issue of the Occupation Certificate the applicant shall implement the "Presentation Methods and Locations contained in the *Luna Park Interpretation Plan – Phase 1*", prepared by Godden Mackay Logan, dated June 2002, (report section 4.0), prepared by Godden Mackay Logan, dated June 2002, in particular the "Implementation" strategy contained under report section 4.3.

Transport Management

21. Prior to the opening of Luna Park to the public, the following Transport Management strategies shall be submitted to, and approved by, the Trust: -

- (d) on-site and off-site initiatives and opportunities for addressing and promoting **public transport modal choice** to Luna Park, including rail, bus, ferries/charter boats, taxis, and coaches, based on the strategy recommended by the Luna Park Transport Management Plan (report section 6), prepared by PPK Environment & Infrastructure (April 2002, Rev C).
- (e) Develop a **Luna Park Travel Plan** to encourage Luna Park staff in utilising public transport services, based on the strategy recommended by the Luna Park Transport Management Plan (report section 8), prepared by PPK Environment & Infrastructure (April 2002, Rev C).
- (f) **On-site and off-site public transport initiatives** and strategies for the marketing and advertising of public transport facilities and services, as proposed by the Luna Park Transport Management Plan (report section 5), prepared by PPK Environment & Infrastructure (April 2002, Rev C), and including: -
 - a. **on-site public transport initiatives** including: -
 - Integrated public transport booklet on public transport services to Luna Park
 - Centralised resource of information for Luna Park visitors and employees
 - Public transport information via video display.
 - b. **off-site public transport initiatives** include: -
 - Development of transport maps and service timetables
 - Mail outs
 - Posters located at key transport terminals
 - Web site advertising.
- (g) **Strategy for the encouragement of non-car travel (walking/cycling):** Prior to the opening of Luna Park, the applicant shall develop a Pedestrian and Cycle Access Plan, incorporating the recommendations of the Luna Park Transport Management Plan (report section 6), prepared by PPK Environment & Infrastructure (April 2002, Rev C).
- (h) **Review of Transport targets:** The Luna Park management shall monitor and review the modal split of transport modes to Luna Park in twelve (12) monthly periods following the opening of Luna Park, in context of the effectiveness of marketing strategies to encourage the use of public transport.
- (i) **Joint ticketing strategy:** Within twelve (12) months of the opening of Luna Park, the applicant shall consult with State Rail and State Transit in order to develop a joint ticketing strategy that explore joint ticketing opportunities, for example based on a package encompassing public transport and admission

to a quantum of rides or specific event, and incorporating the disclosure of Luna Park anticipated patronage levels. The strategy shall be submitted to, and approved by, the Trust.

- (j) **Liaison and Agreements with Public Transport Operators.** Within twelve (12) months of the opening of Luna Park, the applicant shall conduct meetings with public transport operators including Sydney Ferries, Sydney Buses, Sydney Explorer, State Rail, and Heggarty Ferries, to disclose patronage levels, and seek agreements for established or additional public transport services to and from Luna Park.

Public Domain

22. The surface of any material used or proposed to be used for the paving of thoroughfares which are used by the public shall comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

Access for persons with a disability

23. The applicant shall implement the recommendations contained within the Access Plan prepared by Access Australia Consultants Pty Ltd, dated 28 May 2002, in particular recommendations for the: -
- General access provisions under report section 7;
 - Specific provisions under report section 8;
 - Phase E building provisions report section 9.3 Administration building, 94. Wild Mouse building; 9.5 Big Dipper building; 9.6 Luna Circus and 9.7 Public Domain.

Note: the provision of access and facilities for persons with a disability in accordance with Part D3 of the Building Code of Australia is a prescribed condition of all consents.

Pedestrian Security & Safety

24. The Luna Park management shall ensure that any person (including a company), providing security services for Luna Park, is appropriately licensed in accordance with relevant legislation and requirements, and approved by the Trust.

Patron Management

25. Prior to the issue of any occupation certificate the Luna Park management shall implement the strategic security measures proposed by the "*Patron Management Plan Luna Park*", prepared by Glemon Security Pty Ltd, and dated 3rd May 2002, including such measures as: -
- Permanent security presence and roving security 365 days a year;
 - Installation of CCTV security monitoring.
 - Security management, including patron noise, patron behaviour and graffiti
 - Appropriate qualification of the selected security company under the Security Industry Act 1997, and membership of ASIAL

Lighting

26. All lighting shall comply with the “*Luna Park DA Lighting Strategy*” prepared by Adamus Consulting Practice (Job number 2751, Revision D, dated 28.05.02), and with relevant Australian Standards, in particular Australian Standards AS/NZS 1158.3.1.1999 “*Pedestrian area (Category P) Lighting – Performance and installation design requirements.*”, and AS 4282 “*Control of the obtrusive effects of Outdoor Lighting*”. Lighting shall be designed to minimise light spill to adjoining residential.

After hours Illumination

27. Prior to the issue of any Construction Certificate for lighting works or public domain works, specific details of the after-hours illumination of Luna Park shall be submitted to, and approved by, the Senior Planner.

Ecological Sustainability

28. Prior to the issue of any Construction Certificate for works other than excavation or demolition, the applicant shall demonstrate to the PCA compliance with the general initiatives and the specific building initiatives (Circus and Wild Mouse) contained in the *Luna Park Entertainment Complex ESD Statement*” prepared by Adamus Consulting Practice, job number 2751, and dated 28/05/02.
29. Prior to the issue of any Construction Certificate for works other than excavation or demolition, a strategy for introducing the use of solar powered lighting/technology to reduce the amount of energy for lighting, shall be submitted to, and approved by, the Senior Planner.

Signage

30. Wayfinding and entertainment signage installed within Luna Park shall be limited to the following: -
 - (a) The hierarchy of signage contained within the “*Luna Park Signage Masterplan – Phase E – Balance Luna Park*”, prepared by Emery Vincent Design, dated June 2002 (Revision A);
 - (b) Signage shall be strictly limited to Luna Park wayfinding, entertainment and services information, and shall not incorporate any third-party or general advertising messages, other than provided by sub-section(d);
 - (c) Outdoor furniture (including tables, chairs, umbrellas, shade structures) shall not contain any third-party or general advertising messages
 - (d) The use of sponsor logos or third party corporate branding on Luna Park signage shall not exceed 20% of the advertising display area of the sign;
 - (e) Signs shall not be up-lit, and any external illumination shall be directed downwards; and
 - (f) All signage shall comply with the relevant provisions of AS1428.1 and 1428.2.

Acoustic treatment

31. Prior to the issue of any Occupation Certificate for the Luna Circus (including Lobby and Bar) and the Wild Mouse buildings, the applicant shall comply with the recommended development controls contained in the “*Phase E – Noise*

Impact Assessment” (report section 7), prepared by Acoustic Logic Consultancy Pty Ltd dated 27th May 2002, in particular the following: -

- (a) Windows and doors of Luna Circus and Wild Mouse are to have full perimeter acoustic seals and are to be constructed from upgraded acoustic glazing.
- (b) Any penetrations through the façade need to be acoustically treated, this includes ventilation grilles.
- (c) Any penetrations through the ceiling need to be acoustically treated, this includes smoke exhaust and return air grilles.
- (d) An airlock is to be provided for main entrance and external trafficable doors of the Luna Circus during noise generating activities.
- (e) The roof of the Luna Circus is to be constructed from Ortech (or equivalent material) with acoustically treated ceiling under in accordance with the Acoustic Logic Report submitted 27/05/2002.
- (f) The roof of the existing Wild Mouse building is to be made good with any openings acoustically treated.
- (g) Treat mechanical refrigeration plant to comply with EPA criteria.

Noise Management

32. The Luna Park management shall comply with the recommended development controls contained in the *“Phase E – Noise Impact Assessment”* (report section 7), prepared by Acoustic Logic Consultancy Pty Ltd dated 27th May 2002, in particular the following: -
- (a) During times of high noise generation, the relevant windows and doors of Luna Circus and Wild Mouse (depending on the time of the day), may need to be closed.
 - (b) Management controls should be utilised to manage patron departure particularly at night to ensure that patrons leave the facilities in a prompt and orderly manner.
 - (c) Prominent notices shall be placed within the buildings to remind patrons that a minimum amount of noise is to be generated when leaving the premises.

Acoustic Plan of Management

33. The Luna Park management shall comply with: -
- (a) Conditions of the stage 1 consent (DA154-06-2001)
 - (b) any conditions prescribed for Licensed Premises under the Liquor Administration Act; and
 - (c) the recommended Noise Management Strategy and Annual Review strategy contained in the *“Acoustic Plan of Management”*, (report sections 11 and 12 respectively), prepared by Hyder Consulting, dated 4 June 2002. A copy of each annual review report shall be submitted to the Department and Council.

HEALTH REQUIREMENTS

Preparation or service of food or beverages

34. Prior to the commencement of any excavation and construction works for the Wild Mouse restaurant (ground level), relevant sections, elevations and specifications for all parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages, shall be submitted to, and approved by, the PCA. Details shall be designed to comply with the: -
- (a) relevant development consent and construction certificate;
 - (b) National Code for the Construction and Fitout of Premises;
 - (c) relevant clauses of the Building Code of Australia; and
 - (d) Food Act 1989 and the Food (General) Regulation 1997.

Garbage and Waste Management

35. Prior to the issue of any Construction Certificate for works other than excavation or demolition, plans detailing the location and dimensions of garbage rooms servicing each building shall be submitted to, and approved by, the Senior Planner. The garbage rooms shall be large enough to store the generated waste from the proposed uses with allowances for the separation of putrescible waste from waste suitable for recycling.
36. Prior to the issue of any Construction Certificate the following shall be submitted to, and approved by, the Senior Planner: -
- (a) a Construction Waste Management Plan that responds to the requirements provided under the North Sydney Development Control Plan 2002 – section 19 Waste Management;
 - (b) an Operational Waste Management Plan for each building; and
 - (c) evidence that each plan listed above has been reached in consultation with Council.

Services Infrastructure

37. Prior to the commencement of any excavation the applicant shall contact the “Dial Before You Dig” service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au to ascertain the presence and type of underground utility services in the vicinity of the development.
38. To ensure that public utility authorities are advised of the development:
- (a) A survey shall be carried out of all utility services within the site including relevant information from public utility authorities and excavation if necessary, to determine the position and level of services.
 - (k) The applicant shall negotiate with the public authorities (eg Energy Australia, Sydney Water, Telstra Australia, AGL etc) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant.
39. Prior to the issue of any Occupation Certificate the applicant shall submit to the PCA documentary evidence from all relevant public utility authorities confirming

that all of their requirements for the subject development have been satisfied.

Stormwater and drainage

40. Prior to the issue of any Construction Certificate the applicant must apply for and obtain from Sydney Water a Certificate of Compliance under Section 73 of the Water Board (Corporatisation) Act 1994, and evidence that it has been obtained is to be provided to the PCA.
41. Prior to the issue of any Construction Certificate the requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention shall be submitted to the PCA prior to the application for a Construction Certificate under the Environmental Planning and Assessment Act 1979 for the development.
42. Prior to the issue of any Construction Certificate details for the disposal of stormwater and drainage shall be submitted to, and approved by, the Senior Planner. Details shall contain evidence that proposed stormwater and drainage has been reached in consultation with Council.

ENVIRONMENTAL MANAGEMENT

Hours of work

43. Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

Note: Any proposal to extend working hours, including the possibility of undertaking quiet work within buildings may be the subject of a subsequent application under s96 of the Act. Any such application must address the noise and other impacts from the comings and goings of construction vehicles and workers as well as any noise from the construction work itself.

Site Notice of Projects Details and Approvals

44. A site notice(s) shall be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) shall satisfy all of the following requirements:-
 - (a) Minimum dimensions of the notice shall measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice shall be durable and weatherproof and shall be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works

approvals shall be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint shall be displayed on the site notice;
- (e) The notice(s) shall be mounted at eye level on the perimeter hoardings and shall state that unauthorised entry to the site is not permitted.

Dirt and Dust

45. In order to minimise dust emission from the site from any works associated with demolition, excavation and construction the following site strategies shall be implemented: -
- (a) All trucks involved shall provide covers to loads where there is a possibility that the material being transported could spill or be blown from the truck during transport.
 - (b) Truck load covers shall be adequately secured.
 - (c) Cleaning of footpaths shall be carried out regularly.
 - (d) Roadways shall be regularly kept clean.
 - (e) Gates shall be closed between vehicle movements unless the gate is manned by a security guard supervising access to the site between vehicle movements.
 - (f) Gates shall be fitted with shade cloth.
 - (g) The site shall be hosed down when necessary to counter site generated dust;
 - (h) Building facades shall be covered with shade cloth or by the use of continuous water spray during the demolition process;
 - (i) At no times shall compressed air be used to blow dust from the site into the atmosphere. Compressed air may be used to clean formwork prior to concrete pours only where specifically requested by the structural engineer for formwork certification and where any dust that may become airborne has been removed or minimised through cleaning by other methods prior to using compressed air;
 - (j) No burning of demolished material is permitted on the site; and
 - (k) A dust-monitoring program shall be implemented during excavation and construction works and shall include those close-by residences in Northcliff and Glen Streets.
46. Any person acting on this consent shall comply with the Clean Waters Act, 1970 whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of North Sydney's street drainage is directly connected. For any demolition, excavation and construction, the following site strategies shall apply:-
- (a) Concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil, shall not be washed out on the public way.
 - (b) Any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments, and trucks used for the disposal of spoil shall not

be pumped, directed or allowed to flow to the street stormwater system.

- (c) Any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the Council.

Asbestos Removal

- 47. The removal of any asbestos and material containing asbestos from the site shall be carried out in accordance with any requirements of the WorkCover Authority of NSW, the Waste Management Authority and the Environmental Protection Authority and Australian Standard 1319, and the following legislation:
 - (a) The Construction Safety Act 1912 (as amended).
 - (b) The Occupational Health and Safety Regulations 1988.
 - (c) The Waste Disposal Act 1970 (as amended).
- 48. The licensed Asbestos Removalist shall submit a method statement through the applicant to the Director. The statement shall include procedures designed to ensure that employees and other tradesmen/occupants in the building are not exposed to asbestos to an extent likely to cause danger to their health. The procedures shall include -
 - (a) warning signs;
 - (b) removal;
 - (c) safe working procedures;
 - (d) personal protective equipment;
 - (e) cleaning, decontamination and waste disposal; and
 - (f) environmental monitoring.
- 49. All works undertaken shall be in accordance with AS 2601 - 1991. The Demolition of Structures, code of Practice for the Safe Removal of Asbestos (NOHSC:2002 (1988) and Guidance Note on the Membrane Filter Method For Estimating Airborne Asbestos Dust (NOHSC: 3033 (1998)). The work plans required by this standard shall be accompanied by a written statement from a competent and appropriately qualified person that the proposals contained in the work plan comply with the safety requirements of the standard before commencement of work.
- 50. Air monitoring is required when asbestos removal is in progress and the Membrane Filter Method shall be used. The determination of airborne asbestos fibre level for control air monitoring action level shall be in accordance with the Code of Practice For the Safe Removal of Asbestos. (NOHSC: 2002 (1988)).
- 51. Any licence required under the **Pollution Control Act** must be obtained **prior to the commencement of any work** and all conditions of such licence must be observed at all times.

Construction Lighting

- 52. The applicant shall ensure that any construction lighting of the site is such that, at no time will the intensity, hours of illumination or location of the lighting, cause detrimental impact to the amenity of the neighbourhood. If in the opinion of the

Senior Planner detrimental impact is likely to occur, the intensity, hours of illumination and location of the lighting may be varied by the Senior Planner so that construction lighting does not adversely affect the amenity of nearby residents.

Construction management

53. Prior to the commencement of any works, the Director, the Trust and Council shall be provided with the names and telephone numbers of at least two persons who will be available on a twenty four hour basis, and who have the authority to enter the working area, to take immediate action to shut down any activity, or to effect any pollution control measure as directed by an authorised officer.
54. During excavation and construction works, the applicant shall comply with the "Overall Traffic Management Plan For Construction Of The Luna Park Redevelopment", prepared by Colston Budd Hunt & Kafes Pty Ltd and dated April 2002. In particular trucks shall use only the designated routes described in section 2.18 of that report and shown on Plan 2.
55. Any trucks arriving in the area are to be accommodated on the site. Trucks shall not park or queue on Olympic Drive or Alfred Street South. The applicant, or person acting on the consent, shall coordinate the arrival of trucks to avoid queuing in Olympic Drive, Alfred Street South or other local streets.
56. All loading and unloading of materials and other refurbishment activities shall be accommodated on site with the exception of the following:
 - (a) if it is not feasible for loading and unloading to take place on-site, the provision of a construction zone may be considered by Council.
 - (b) if a construction zone is justified, such an application must be made to Council prior to the commencement of work on the site. An approval for the construction zone may be given for a specific period and certain hours of the day to reflect the particular needs of the site for such a zone at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
57. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by the Department or Council to stop all work on site.
58. All costs of traffic management measures associated with the development shall be borne by the applicant.

REMEDIATION WORKS

59. The applicant shall comply with the recommendations of the "*Luna Park Redevelopment – Phase D Development Area, Including Proposed Car Park And Foreshore Café Stage 1 and Stage 2 Environmental Site Assessment And Remedial Action Plan (RAP)*" report submitted by Coffey Geosciences Pty Ltd, dated 18 April 2002 (report reference S20258/3-BG), in particular the following Remedial Action Plan requirements: -
 - (a) Validation sampling and analysis work shall be undertaken in the Non-Excavation Area and Minor excavation Area to assess whether the soil requires any further remediation than management of a capped site.

- (b) Groundwater validation work shall be undertaken in the Non excavation Area and minor excavation Area to further assess whether the identified hydrocarbon contaminant plume in the proposed carpark/café extends to these areas or whether other contamination plumes exist in these areas. The additional sampling and analysis proposed for site validation will also provide a general assessment of the potential presence of groundwater contamination in these areas. If the monitoring results indicate that the groundwater contains contaminants or concentrations which pose a risk to the environment and or to human health (i.e. site workers and potential site users), then an evaluation of the remedial options will need to be undertaken in accordance with a specific quantitative risk assessment.

BUILDING MATTERS

Structural Certification

60. The structural design of the building and other structural elements including retaining walls, footings, slabs, structural steel, light weight construction, timber framing and glazing etc. shall be in accordance with Part B of the Building Code of Australia. Details of all such work shall be prepared and submitted with the Construction Certificate by a qualified professional Structural Engineer.

Further, the applicant shall submit component certificates prepared by an independent Accredited Certifier as follows:

- (c) Submission of a separate component certificate certifying that the structural design of the proposed building in all respects complies with the requirements of the relevant Australian Standards and Local Government Act.
- (d) On completion of the building, a component certificate that the structural elements of the building have been erected in accordance with the details which were subject of the original certificate, and that the works as completed are suitable for their intended purpose.

Erosion and Sedimentation Control

61. During any site excavation or construction works associated, the Erosion and Sedimentation Control Plan, prepared by Taylor Thompson Whiting, drawings numbered SKC10 P1 dated 19.03.02, and SKC07 P2 dated 15.04.02, shall be applied including the implementation of the following sedimentation control measures: -

- (e) Siltation fencing
- (f) Geotextile pit filters
- (g) Straw bale sedimentation filters
- (h) Sandbag pits
- (i) Temporary construction exit
- (j) Sedimentation ponds.

Waterways Protection

62. During any site excavation or construction works, the Waterways Management Plan drawing number C710-01 Amendment A, prepared by Waterways Construction, and including the water pollution presentation and control

measures, shall be applied including: -

- (k) Turbidity booms
- (l) Turbidity curtains
- (m) Sediment fences on seawall
- (n) Sediment fence behind site fence.

The applicant shall ensure regular maintenance inspections of the control measures listed above during excavation and construction.

Dilapidation Survey

63. A photographic survey of adjoining properties detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Director, the Trust and to Council prior to the issue of the first Construction Certificate. This survey is to be prepared by an appropriately qualified independent person agreed to in writing by both the applicant and the owner of the adjoining property. The Department shall be the owner of the dilapidation survey and may make the survey publicly available on request. The survey is to be supplied in two formats: one being digitally on CD in “.pdf” or other agreed format and the other being one bound and printed copy.

On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the person agreed to by the parties to the effect that no damage has resulted to adjoining premises, is to be provided to the Director, the Trust and to Council. If damage is identified by the person agreed to by the parties which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

Note: For the purposes of this condition the dilapidation survey report required by conditions 47 and 126 of the Stage 1 Consent (and previously submitted) can also be used to satisfy this condition subject to it being reviewed, updated and amended as necessary.

Damage to Adjoining Properties

64. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with and with the consent of the affected property owner prior to the occupation of the development or issue of a building certificate.

Damage to Public Infrastructure

65. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably

qualified person and submitted to Council prior to the issue of the first Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

Ventilation/Heating/Cooling Systems

66. All air-handling, evaporative cooling, hot water, humidifying, warm water or water cooling systems installed on the premises shall comply with the Public Health Act 1991 and Public Health Regulation 1991.
67. Air conditioning or refrigeration systems which contain R11 and R12 or any other controlled substance as defined in the Ozone Protection Regulation 1991, must not be installed in the building. Air conditioning and refrigeration systems shall use environmentally friendly refrigerants.

Certification of Mechanical Ventilation

68. Prior to commencement of any mechanical services work, the details of any mechanical ventilation or air conditioning shall be certified by a competent person to comply with the BCA and relevant Australian standards, and submitted to the satisfaction of the PCA
69. Prior to the issue of any Occupation Certificate, and following completion, installation and testing of all mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance, shall be submitted to, and approved by, the PCA.

Fire Safety Certification

70. Prior to the issue of an Occupation Certificate, a Fire Safety Certificate must be furnished to the Principal Certifying Authority (PCA) for all the Essential Fire or Other Safety Measures forming part of this approval, under the Environmental Planning and Assessment Act 1979. A copy of the Fire Safety Certificate shall be submitted by the PCA to the Director, the Trust and Council.
71. An Annual Fire Safety Statement shall be provided to the Trust, Council, and the NSW Fire Brigade commencing within 12 months after the date on which Council receives the initial Fire Safety Certificate.

Occupation Certificate

72. Prior to the commencement of occupation or use of the whole or any part of a new building an Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy submitted to Council and the Department in accordance with the Regulations. A copy of the Occupation Certificate shall also be submitted to the Trust.

Harbour Queen

73. Prior to the issue of any Occupation Certificate the applicant or other person acting on behalf of the Trust, is to submit to the Director a study investigating the feasibility of and heritage impacts associated with conserving the "Harbour Queen" (Palais de Dance) barge (listed as a heritage item under Sydney Regional Environmental Plan No. 23 Sydney and Middle Harbours and currently moored at Berrys Bay) and returning it to its former location adjacent to Luna

Park. The brief for the study is to be prepared in consultation with the Trust and the Director and submitted to the Director prior to 1 June 2003.

NOTE 1: Building Code of Australia

The PCA should have regard to the recommendations contained within the report by McKenzie Group Consulting in their reports: -

- (a) *Building Code of Australia– Proposed Luna Park Redevelopment Wild Mouse* dated 11 April 2002,
- (b) *Building Code of Australia Strategy –Luna Circus and Big Dipper Building*, dated 11 April 2002; and
- (c) *Building Code of Australia Strategy –Admin Building*, dated 11 April 2002.