



NSW GOVERNMENT
Department of Planning

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Our ref: MP 06_0106 and MP06_0163
Your ref:
File: 9043283

Mr Phillip Naylor
Luna Park Sydney Pty Ltd
PO Box 528
MILSONS POINT NSW 2061



Dear Mr Naylor,

Subject: Director General's Requirements for the Environmental Assessment of two projects, the first being for a seven storey strata commercial office building with two levels of basement car parking to Site B at Luna Park - MP 06_0106 and the second being construction of a two storey restaurant with one level of basement car parking to Site C at Luna Park - MP 06_0163.

The Department has received your application for two projects, the first being a proposed seven storey strata commercial office building with two levels of basement car parking at Site B Luna Park (Major project: MP06_0106), and the second being a two storey restaurant building with one level of basement car parking to Site C at Luna Park (Major Project MP06_0163).

I have attached a copy of the Director General's requirements (DGR's) for environmental assessment of the projects. These requirements have been prepared in consultation with the relevant government agencies including Council.

It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the projects.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment for each project to determine:

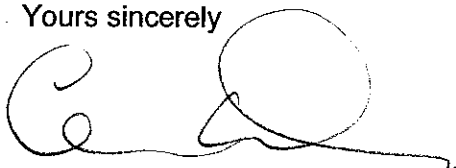
- the fees applicable to the applications;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet.

Prior to exhibiting the Environmental Assessments, the Department will review the documents to determine if they adequately address the DGR's. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessments do not adequately address the DGR's, the Director-General may require the proponent to revise the Environmental Assessments to address the matters notified to the proponent. Following this review period the Environmental Assessments will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (02 6274 1111 or www.deh.gov.au).

If you have any enquiries about these requirements, please contact Josephine Wing on 02 9228 6528 or via e-mail at josephine.wing@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Wilson', with a large circular flourish at the end.

31.7.06

Chris Wilson
Executive Director
as delegate for the Director General

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	06_0106 and 06_0163
Project	Two project applications, the first being for a seven storey strata commercial office building with basement car parking to Site B at Luna Park and the second being for a two storey restaurant building with basement car parking to Site C at Luna Park.
Location	Luna Park, Lot 1 DP 1066900
Proponent	Luna Park Sydney Pty Ltd
Date issued	
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A description of the proposal including: <ul style="list-style-type: none"> - description of the site and surrounds - suitability of the site for the proposed development; - likely environmental, social and economic impacts; - justification for undertaking the project; and - alternatives considered 3. Address the following: <ul style="list-style-type: none"> • consideration of any relevant statutory provisions; • overview of other environmental issues and any relevant provisions arising from environmental planning instruments; • an environmental risk analysis of the project which takes into consideration the issues raised during consultation; • a detailed assessment of the key issues specified below, which includes: description of the existing environment; an assessment of the potential impacts of the project; a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the project; • a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures • a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest; • a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <ul style="list-style-type: none"> • Statutory and Other Requirements Consideration of all relevant legislation and planning provisions applying to the site including State Environmental Planning Policies, North Sydney LEP 2001, DCP 2002, Sydney Harbour Foreshores Area DCP, 'Luna Park Plan of Management'; nature, extent and justification for any non-compliance. Where non-compliance results in environmental impacts, consideration of alternative/mitigatory works to address the impacts. • Design, Visual Impacts and Design Quality Principles <ul style="list-style-type: none"> ○ Assess the impacts of the proposals in particular having regard to the siting and design, bulk and scale relationships, choice of materials and finishes and the resultant architectural composition relative to the existing and surrounding built form and vegetation, including the broader Sydney Harbour Foreshore and any landmark elements. A design statement prepared by a registered architect is to be submitted. ○ Consideration of: urban design improvements to adjacent areas of public domain, activation of ground level spaces and links into Luna Park and other existing public facilities; the architectural language of the buildings on Sites B and C to ensure an appropriate urban design link between them; an internal design layout that achieves transparency through the floor plate and improved

views from the street down to the water.

- Provide a detailed view impact analysis and minimise view loss from adjoining and adjacent properties and any public views across the site including views and vistas to and from Sydney Harbour and night views.

- **Proposed Uses**

Details of proposed uses including patron management and hours / mode of operation of the restaurant.

- **Heritage impacts**

A Heritage Impact Statement (HIS) is to be prepared in accordance with the NSW Heritage Office's guidelines to address the impact of the proposed development on the heritage significance of the subject site and adjoining sites and measures to minimise and mitigate potential heritage impacts. It is noted that the site at 2 Glen Street is currently being considered by the Heritage Office for a listing on the State Heritage Register. If any impact is anticipated on any archaeological relics, a research design for the proposed excavation is to be provided.

- **Traffic Impacts (Construction and Operational)**

A Traffic Impact Study (TIS) prepared in accordance with the RTA's publication Guide to Traffic Generating Developments is to be submitted and is to include an assessment of any upgrading or road improvements required as a result of the development, and the proposed number of off street car parking spaces relative to past approvals for Luna Park.

- **Wind impacts**

The massing and design of buildings must minimise wind impacts on pedestrian amenity, having particular regard to adjacent pedestrian areas. A wind report which includes modelling and an assessment of existing and future wind conditions on the site is to be submitted.

- **Drainage and Flooding**

The environmental assessment is to address drainage issues associated with any changes in the hydrological regime of the catchment as a result of the development. This should include a drainage concept plan.

- **Noise Impacts**

Demonstrate that the proposal will be designed, constructed, operated and maintained so that there is no unacceptable level of noise impacts on amenity in the locality. The noise assessment must include an assessment of existing noise impacts at the site and must be undertaken in accordance with Industrial Noise Policy (EPA 1999) and Environmental Criteria for Road Traffic Noise (EPA, 1999).

- **Rail Impacts**

Address noise and vibration impacts from adjacent rail activities, including mitigation and monitoring measures where appropriate, consistent with guidance published by Rail Corp including *Interim Guidelines for Applicants – Consideration of Rail Noise and Vibration in the Planning Process* and *Interim Guidelines for Councils – Consideration of Rail Noise and Vibration in the Planning Process*. Submit a report, prepared by a suitably qualified Electrolysis expert, on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk.

- **Utilities**

In consultation with relevant agencies, address the existing capacity and requirements of the development for water, electricity, waste disposal, telecommunications and gas. Address all relevant utility Codes regarding the design and compliance of the development. Identify staging, if any, of infrastructure works. Energy Australia have specifically advised that an electrical substation will be required for these developments. A kiosk type substation on the subject site will require an easement to Energy Australia for electricity purposes over the substation site.

- **Waste Management**

Address demolition and construction wastes that may be generated - likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements.

- **Remediation of Site**

Provide a risk assessment on acute and chronic health implications for construction workers, adjoining residents and final occupants of the site relative to any contamination of the site and required remediation. The risk assessment shall be

	<p>conducted in accordance with DEC's <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i>; WorkCover's <i>Occupational Health and Safety Requirements</i>; SEPP 55 and <i>Managing Land Contamination: Planning Guidelines</i> (Department of Planning and EPA).</p> <ul style="list-style-type: none"> • Provision of Public Services and Infrastructure Address provision of public services and infrastructure having regard to the Council's <i>Section 94 Contribution Plan</i>. • Economic Impacts An economic impact study is to be submitted with the environmental assessment which addresses the economic context, capacity and impact of the commercial and restaurant development in the North Sydney local government area. • Geotechnical and Subsidence Assess impacts on surface and groundwater resources, the cliff line and other geological formations, public access and infrastructure including roads, utilities, buildings and other structures. An assessment of necessary testing procedures to validate the structural adequacy of the cliff and recommended methodologies to be adopted is to be included in the Statement of Commitments.
Consultation	<p>During the preparation of the Environmental Assessment, you should undertake an appropriate and justified level of consultation with relevant government authorities and the following:</p> <ul style="list-style-type: none"> • Luna Park Reserve Trust; • Lavender Bay Precinct Committee; <p>In addition to the above consultation the proposal is to be presented to the Sydney Harbour Design Review Panel prior to submission. The application is to address any recommendations made by the Panel. The consultation process and the issues raised are to be described in the Environmental Assessment</p>
Deemed refusal period	<p>Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the applicable deemed refusal period is 60 days from the end of the proponent's Environment Assessment period for the project.</p>

Plans and Documents to accompany the Application

Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
 - Relative Levels to Australian Height Datum
 - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
 - the existing levels of the land including spot heights across the site in relation to buildings and roads;
 - location and height of existing structures on the site; and
 - location and height of adjacent buildings and private open space.
 - location of the cliff face, fig trees and canopies of these trees.
2. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc).
3. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
 - significant local features such as parks, community facilities and open space, water courses and heritage items;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes
 - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
4. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
5. The **Architectural drawings** (where relevant) are to be drawn to scale and illustrate the following:
 - the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;
 - the floor plans of the proposed buildings indicating location of uses, layout, size and orientation;
 - the location and size of vertical and horizontal circulation of lifts, stairs and corridors;
 - section plans illustrating detailed sections of the proposed facades;
 - fenestrations, balconies and other features;
 - communal facilities and servicing points;
 - the height of the proposed development in relation to the land;
 - any changes that will be made to the level of the land by excavation, filling or otherwise;
 - the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground;

	<ul style="list-style-type: none"> the heights of the proposed buildings relative to that of the existing fig trees; parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site; pedestrian access to, through and within the site. <p>6. The shadow diagrams for developments comprising two or more storeys are to show solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.</p> <p>7. Photomontage of the proposal when viewed generally from each elevation.</p> <p>8. A detailed arborist report detailing the measures to be adopted to ensure the on going survival of the heritage listed trees during and after construction.</p> <p>9. The Other plans including (where relevant):</p> <ul style="list-style-type: none"> Stormwater Concept Plan - illustrating the concept for stormwater management from the site to the Council drainage system and include a detailed site survey. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided and the must include details of all major overland flow paths; Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; View analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development having regard to private and public views; Coloured elevations - of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties; Demolition & Waste Management Plan – where demolition is proposed, a plan which addresses demolition and construction wastes that may be generated including likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements must be provided; Construction Management Plan – a plan which outlines traffic and pedestrian management during construction
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> Traffic; Landscaping; Geotechnical and/or hydro geological (groundwater); stormwater/drainage; Urban Design/Architectural; Contamination in accordance with the requirements of SEPP 55; Acid Sulphate Soil Management Plan; BCA compliance.
Documents to be submitted	<ul style="list-style-type: none"> 12 hard copies of the Environmental Assessment; 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and

	<ul style="list-style-type: none"> • 2 copies of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below). • If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>