

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**APPROVAL OF MAJOR PROJECT NO. 06\_0054**

**(FILE NO. 9041971)**

**DARLING WALK DEMOLITION WORKS, DARLING HARBOUR**

I, the Minister for Planning, under section 75J of the *Environmental Planning & Assessment Act, 1979*, approve the project referred to in Schedule 1 subject to the conditions in Schedule 2.

A large, stylized handwritten signature in black ink, likely belonging to Frank Sartor, Minister for Planning.

**Frank Sartor MP  
Minister for Planning**

**Sydney,**

A handwritten signature in black ink, possibly a date or another official signature, located between the word 'Sydney' and the year '2008'.

**2008**

## SCHEDULE 1

### MAJOR PROJECT NO. 06\_0054

#### PART A—TABLE

<b>Application made by:</b>	Sydney Harbour Foreshore Authority
<b>Application made to:</b>	Minister for Planning
<b>Major Project Application:</b>	MP 06_0054
<b>On land comprising:</b>	38 Lots within Darling Harbour including the site known as Darling Walk and Tumbalong Park (Lots 318 & 319 DP 871455, Lot 314 DP 869004, Lots 52 & 53 DP 1009561, Lot 403 DP 862501, Lots 305 & 306 DP 787105, Lots 7, 8, 9, 10, Part Lots 11, 12, 14 & 15, Lots 13, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 30, 32, 37, 38, 40, 41, 42, 43, 46, 48 in DP 1048307)
<b>Local Government Area</b>	City of Sydney
<b>For the carrying out of:</b>	Demolition works at Darling Walk, Darling Harbour
<b>Estimated Cost of Works</b>	\$2.87 million
<b>Type of development:</b>	Major Project
<b>S.119 Public inquiry held:</b>	No
<b>Determination made on:</b>	
<b>Date approval is liable to lapse:</b>	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act.

#### PART B—NOTES RELATING TO THE DETERMINATION OF MP No. 06\_0054

##### Responsibility for other consents / agreements

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

##### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000* (as amended).

##### Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

##### Inconsistencies between documents

In the event of any inconsistency between the conditions to this project application approval and the approved plans and documentation described in Schedule 2, the conditions to this project application approval prevail.

#### PART C—DEFINITIONS

In this approval:

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this consent.

**Certifying Authority** has the same meaning as Part 4A of the Act, or section 116G of the Act where the development is by the Crown.

**Council** means City of Sydney Council.

**Department** means the Department of Planning or its successors.

**Director-General** means the Director-General of the Department.

**Environmental Assessment** means the Environmental Assessment prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated December 2007 and as amended by the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated May 2008 and Addendum to the Preferred Project Report prepared by the Sydney Harbour Foreshore Authority.

**GFA** means gross floor area.

**Minister** means the Minister for Planning.

**MP No. 06\_0054** means the Major Project described in the Proponent's Environmental Assessment Report.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act, or section 116G of the Act where development is by the Crown.

**Preferred Project** means the Preferred Project report and appendices prepared by JBA Urban Planning Consultants Pty Ltd on behalf of Sydney Harbour Foreshore Authority and dated May 2008.

**Proponent** means Sydney Harbour Foreshore Authority or any party acting upon this approval.

**Regulation** means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**Relevant Authority** means the Sydney Harbour Foreshore Authority or City of Sydney Council.

**SHFA** means the *Sydney Harbour Foreshore Authority*.

**Subject Site** has the same meaning as the land identified in Part A of this schedule.

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## **SCHEDULE 2**

### **CONDITIONS OF APPROVAL**

#### **MAJOR PROJECT NO. 06\_0054**

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#### **PART A—ADMINISTRATIVE CONDITIONS**

##### **A1 DEVELOPMENT DESCRIPTION**

Development approval is granted only to carrying out the development described in detail below:

- (1) Demolition of the 2 storey Sega World building and structures and associated de-commissioning, removal and / or relocation of existing services.
- (2) Closure of the pedestrian bridge access which links the main Bathurst Street footbridge to Level 1 of the existing building.
- (3) Demolition of adjoining public domain space including draining and demolition of the lake structure (as shown on drawing DC 001 prepared by FJMT Architects dated 22/5/2008 which excludes the children's play ground).

##### **A2 DEVELOPMENT IN ACCORDANCE WITH DOCUMENTS**

The development will be undertaken in accordance with the Environmental Assessment, the Preferred Project Report and Addendum to the Preferred Project Report, and the following documents:

- (1) Demolition Plan prepared by FJMT Architects (Appendix N of the Preferred Project Report).
- (2) Construction Management Plan prepared by Bovis Lend Lease (Appendix O of the Preferred Project Report).
- (3) Hazardous Materials Survey prepared by ENSR Australia Pty Ltd (Appendix P of the Preferred Project Report).
- (4) Decommissioning Reports (Appendix Q of the Preferred Project Report).

##### **A3 INCONSISTENCY BETWEEN DOCUMENTS**

In the event of any inconsistency between conditions of this consent and the drawings/ documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

##### **A4 PRESCRIBED CONDITIONS**

The Proponent shall comply with the prescribed conditions of approval under clause 98 of the Regulation.

## **PART B—PRIOR TO DEMOLITION**

### **B1 DEMOLITION WORKS**

Demolition works associated with the development must be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the Work Cover Authority, in accordance with a work method statement which demonstrates the following:

- (1) Any demolition on the site is to be conducted in strict accordance with *AS 2601-2001: Demolition of Structures*;
- (2) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust-proof screens, wet-lead safe work practices, or other measures is required;
- (3) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to *AS/NZS 1716:2003 : Respiratory Protective Devices* and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998);
- (4) Demolished combustible materials must not be stockpiled. Material must be removed regularly;
- (5) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment;
- (6) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.

The work method statement shall be provided to and approved by the Certifying Authority prior to the commencement of the demolition works.

### **B2 LIGHTING OF SITE OUTSIDE OF APPROVED DEMOLITION HOURS**

Lighting of the site while any work is undertaken outside of the approved hours of demolition must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood. If injury is resulting from the illumination, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents.

### **B3 WASTE MANAGEMENT PLAN**

A Waste Management Plan for the demolition works shall be submitted to the Certifying Authority prior to the commencement of demolition works and must address the following requirements:

- (1) Describe the procedures by which waste will be minimized, managed and recycled;
- (2) Address details of recycling and the removal of spoil and rubbish from the site during demolition;
- (3) Outline the type and quantities of waste material expected to be generated from demolition and excavation;
- (4) Outline the name and address of the transport company;
- (5) Outline the address of the proposed site of disposal; and
- (6) Outline the name and address of company/organisation accepting material.

**B4 ENVIRONMENT PROTECTION – WATER AND SEDIMENT CONTROL**

A Water and Sediment Control Plan shall be submitted to the Certifying Authority prior to the commencement of demolition works. The Water and Sediment Control Plan is to be consistent with the principles and practices set out in *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom and must include:

- (1) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
- (2) The procedures to be adopted for the prevention of run-off from the site onto the public way; and
- (3) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way.

During the demolition works:

- (4) Erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (5) Erosion and sediment control signage available from the relevant Authority must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of demolition; and
- (6) Demolition operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

The Water and Sediment Control Plan is to be implemented prior to the commencement of demolition works to the satisfaction of the Certifying Authority.

**B5 PROTECTION OF TREES DURING DEMOLITION**

All trees to be retained on and adjacent to the site must be protected at all times during demolition. Details of the methods of protection must be submitted to and be approved by the Certifying Authority prior to the commencement of demolition works. All approved protection measures must be maintained for the duration of demolition and any tree on the footpath which is damaged or removed during demolition must be replaced.

**B6 NOISE AND VIBRATION MANAGEMENT PLAN**

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, and properties containing noise sensitive equipment,
- (3) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (4) Noise and vibration monitoring, reporting and response procedures,
- (5) Assessment of potential noise and vibration from the proposed demolition activities including noise from construction vehicles and any traffic diversions,
- (6) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction

- (7) Demolition timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (8) Procedures for notifying residents of demolition activities that are likely to affect their amenity through noise and vibration,
- (9) Contingency plans to be implemented in the event of non-compliances and/or noise complaints,

The Proponent shall submit a copy of the approved plan to the Department and Council.

#### **B7 NOTIFICATION OF DEMOLITION WORKS**

Council must be given a minimum of 48 hours notice that demolition works are about to commence.

#### **B8 VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **B9 DEMOLITION TRAFFIC MANAGEMENT, ACCESS POINTS AND ROUTES**

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of:

- (1) truck route(s) to be followed by trucks transporting waste material from the site
- (2) predicted traffic volumes and types
- (3) vehicle access points for both ingress and egress
- (4) pedestrian and traffic management measures

The above matters are to be addressed in a Traffic and Pedestrian Management Plan prepared by a suitably qualified person and submitted to and approved by the Certifying Authority. A copy of the approved Plan is to be forwarded to the RTA.

#### **B10 COST OF SIGNPOSTING**

All cost of signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the Proponent.

#### **B11 SITE NOTICE**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Contractor and the Crown certifier. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including demolition/noise complaint are to be displayed on the site notice; and

- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

## **B12 PRE-DEMOLITION DILAPIDATION REPORTS**

The Proponent is to engage a qualified structural engineer to prepare a Pre-Demolition Dilapidation Report detailing the current structural condition of adjoining infrastructure and roads. The report shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of any demolition works.

## **B13 HOARDING**

Any B-Class hoarding erected around the site is to contain graphics (not 3<sup>rd</sup> party advertising) which activates the public domain and may include some images of the new building.

# **PART C—DURING DEMOLITION**

## **C1 NO OBSTRUCTION OF PUBLIC WAY**

The public way (outside of the work area) 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 a notice by the relevant Authority to stop all work on site.

## **C2 DEMOLITION TRAFFIC**

- (1) All loading and unloading associated with demolition must occur on site;
- (2) All vehicles must enter and leave the site in a forward direction;
- (3) The cost of all traffic management works during demolition shall be borne by the Proponent;
- (4) No trucks associated with the demolition works are permitted to park or stand on public roadways;
- (5) Gates shall be closed between vehicle movements; and
- (6) Movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods.

## **C3 DISPOSAL OF SEEPAGE AND STORMWATER**

Any seepage or rainwater collected on-site during demolition shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant Authority.

## **C4 EROSION AND SEDIMENT CONTROL**

All erosion and sediment control measures, as designed in accordance with Condition B4 – ENVIRONMENT PROTECTION – WATER AND SEDIMENT CONTROL, are to be effectively implemented and maintained at or above design capacity for the duration of the demolition 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.

## **C5 CLASSIFICATION OF WASTE**

All waste on the premises must be classified according to the EPA "Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes" (2004) prior to the waste being removed from the premises. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the



waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility.

## **C6 REMOVAL AND TRANSPORT OF HAZARDOUS WASTE**

Hazardous waste arising from the demolition activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Climate Change (DECC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- (1) *Protection of the Environment Operations Act 1997.*
- (2) *Protection of the Environment Operations (Waste) Regulation 1996.*
- (3) *NSW Waste Minimisation and Management Act 1995.*
- (4) *NSW Waste Minimisation and Management Regulation 1996.*
- (5) *Waste Avoidance and Recovery Act 2001.*
- (6) *New South Wales Occupational Health & Safety Act 2000.*
- (7) *New South Wales Construction Safety Act 1912 (Regulation 84A-J Construction Work Involving Asbestos or Asbestos Cement 1983).*
- (8) *The Occupational Health & Safety Regulation 2001.*
- (9) *The Occupational Health & Safety (Asbestos Removal Work) Regulation 1996.*
- (10) Department of Environment and Conservation (NSW). *The Environmental Guidelines: Assessment, Classification & Management of Liquid and Non-liquid Wastes.*
- (11) Standards Australia. *Initial Emergency Response Guide (HB 76-2004).*
- (12) Standards Australia. *Selection and Use of Emergency Procedure Guides for the Transport of Dangerous Goods (AS 2931-1999).*

## **C7 DIRT AND DUST CONTROL MEASURES**

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during demolition and minimise dust emission from the site. In particular, the following measures must be adopted to the satisfaction of the PCA.

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) All materials shall be stored or stockpiled at the best locations;
- (3) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (4) All equipment wheels shall be washed before exiting the site using manual or automated sprayers or drive-through washing bays in order to prevent mud, dust or debris from being deposited on council roads;
- (5) All trucks leaving the site are to be appropriately covered to prevent the escape of dust or other material on to public roads;
- (6) The streets shall be kept free from detritus material during the course of work. The Proponent shall monitor the state of roadways leading to and from the site and take all necessary steps to clean up any adversely impacted road pavements;
- (7) Cleaning of footpaths and roadways shall be carried out regularly;
- (8) At no times should compressed air be used to blow dust from the site into the atmosphere; and

- (9) No burning of demolished material is permitted on the site.

#### **C8 HOURS OF WORK AND NOISE**

The hours of demolition and work on the development must be as follows:

- (1) All demolition work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the approved development must only be carried out between the hours of:
  - a) 7.30am and 5.30pm on Mondays to Fridays, with safety inspections permitted from 7.00am,
  - b) 7.30am and 3.30pm on Saturdays, and
  - c) No work must be carried out on Sundays or public holidays.
- (2) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
- (3) Works may be undertaken outside these hours where:
  - a) The delivery of materials is required outside these hours by the Police or other authorities;
  - b) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - c) The work is approved by the Demolition Noise and Vibration Management Plan;

#### **C9 CONTACT TELEPHONE NUMBER**

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

### **PART D – POST DEMOLITION**

#### **D1 ROAD DAMAGE**

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of demolition works associated with the approved development is to be met in full by the Proponent.

**ADVISORY NOTES****AN1 TEMPORARY STRUCTURES**

A Barricade/Hoarding Permit must be obtained prior to the commencement of demolition works from the relevant Authority. The permit application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

**AN2 DISABILITY DISCRIMINATION ACT**

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.