



23 November 2018

The Hon Anthony Roberts MP
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Request for advice – Proposed State Environmental Planning Policy (State Significant Precincts) – Luna Park 2018

I thank you for your letter dated 20 November 2018 in which you seek the Independent Planning Commission's (**the Commission**) advice under section 23D(b)(i) of the *Environmental Planning and Assessment Act 1979* on the proposed changes outlined in the Explanation of Intended Effect (October 2018) (**EIE**) which was attached with your letter.

Professor Mary O'Kane AC, Chair of the Commission, nominated Peter Duncan AM (Chair) and Professor Chris Fell AM to constitute the Commission providing this advice.

The Commission understands that the proposal seeks to amend State Environmental Planning Policy (State Significant Precincts) 2005 (**SEPP SSP**) to introduce exempt and complying development pathways to permit the installation, modification or relocation of rides and amusement at Luna Park.

As part of its consideration of this matter, the Commission held a meeting with the Department of Planning and Environment (**the Department**) on 20 November 2018. During the meeting a number of items were discussed, and a summary of these items is available on the Commission's website.

The Commission notes the following key controls that are intended to be applied under SEPP SSP:

Exempt Development:

- restricting rides and amusements to a maximum stationary height of RL20, which is approximately 16m above existing ground level;
- rides and amusements must be temporary and not installed for a period of more than 16 weeks in any 26-week period.
- rides and amusements cannot require permanent footings or foundations; and
- rides and amusements are not to be enclosed within a new building.

Complying Development:

- restricting rides and amusements to a maximum stationary height of RL40, which is approximately 36m above existing ground level, except at the Lavender Green which restricts rides and amusements to a maximum stationary height of RL20, which is approximately 16m above existing ground level;
- restricting the number of rides which can exceed a stationary height of RL22 to six across the entire Luna Park site at any given time; and
- rides and amusements are not to be enclosed within a new building.

The Commission further notes that there are a number of standardised requirements that any exempt or complying development must meet which include:

- rides and amusements must be consistent with the Luna Park Lighting Strategy (28 May 2002);
- rides and amusements must be operated to comply with the maximum permissible noise limit which is set by the *Luna Park Site Act 1990*;
- rides and amusements must operate within the hours of operation set out by any existing conditions of consent under any operation development consents which apply to the site;
- rides and amusements must be consistent with any Conservation Management Plan endorsed by the Heritage Council of NSW, which maintains the broad character of the site as an Amusement Park, or have a specific exemption under the Heritage Act 1977; and
- rides and amusements must be installed and operated in a manner consistent with relevant safety legislation, such as but not limited to – *Work Health and Safety Act 2011*, *Work Health and Safety Regulation 2017*, and Australian Standard AS 3533.1-2009 (*Amusement rides and devices – Design and construction*).

The Midway:

The Commission also notes that the area known as 'The Midway' is subject to additional provisions which include the following:

- no ride or amusement be installed for longer than three months;
- no ride or amusement to have a width greater than 10m or that reduces the width of The Midway to less than eight metres at any one point; and
- vehicular access for emergency vehicles must be maintained.

The Commission's Consideration

In providing this advice the Commission has considered your letter of 20 November 2018, the EIE and the information provided by the Department during its meeting with the Commission on 20 November 2018.

The Commission notes that of the 1407 submissions received by the Department during the exhibition of the EIE, 90% were in support. Of those which objected to the proposal, the key issues raised are listed below.

Submissions of Concern:

- Lavender Green
- Plan of Management;
- Height;
- Light;
- Noise;
- Compliance with Australian Standards, fire and ride safety;
- Development application process and community consultation; and
- Future development.

Submissions of Support:

- An iconic landmark destination with significant cultural heritage value;
- Diversity of experience;
- Encouraging safety; and
- Nostalgia and intergenerational preservation.

The Commission finds that based on the information before it that the proposal:

- will enable the sustainment of existing operations at Luna Park as has historically occurred, without promoting an intensification of the existing land use;
- will not change the nature and intensity of operations of Luna Park, and that all existing compliance and management regimes that are currently in place will remain in place;
- will provide a suitable development pathway which will remove the existing ambiguity around site operations and approvals and provide greater certainty to the community; and
- provide certainty to the public around the timing and tenancy of rides and amusements within Luna Park.

In summary, the Commission supports the Department's proposed amendments to SEPP SSP as described within the EIE.



Peter Duncan AM
Commission Member (Chair)



Prof. Chris Fell AM
Commission Member