



***Amendment to
State
Environmental
Planning
Policy (State
Significant
Precincts)
2005***

*Explanation of Intended
Effect*

October 2018

October 2018

© Crown Copyright, State of NSW through its Department of Planning and Environment October 2018

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in Amendment to State Environmental Planning Policy (State Significant Precincts) 2005 Explanation of Intended Effect. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.

Contents

Introduction	4
Background and intent of the proposal	4
Proposed amendments	5
Exempt and Complying Development Rides and Amusements Zone	5
Exempt Development	5
Complying Development	6
The Midway	6
Attachments	6
Attachment A – Land Application Area Map	7
Attachment B – Proposed exempt and complying development rides and amusements zone	8

Introduction

Background and intent of the proposal

Luna Park located at Milsons Point, Sydney, has been a recreation and amusement attraction for Sydney residents and visitors since 1935. Many Sydney residents have strong associations with Luna Park and its landmark location on Sydney Harbour together with its recognisable character give it an iconic status. See **Attachment A** for a location map of Luna Park.

Historically, rides and amusements have been moved in and out of and around Luna Park to cater for periods of increased patronage and to ensure the latest attractions are made available to its visitors. It is essential that this can continue to occur in a streamlined way for Luna Park to be maintained as a viable business.

The NSW Government is seeking to introduce a simpler development pathway for low impact rides and amusements at Luna Park. This will enable the installation of new rides and amusements or the modification, replacement or relocation of rides and amusements at Luna Park as exempt or complying development. This new pathway will allow Luna Park to continue to function in a manner consistent with its historical operation. Noise, lighting, safety and heritage requirements will be maintained and specific provisions to maintain the visual character of Luna Park will be introduced to ensure there are no unreasonable visual impacts to neighbouring properties.

The State Environmental Planning Policy (State Significant Precincts) 2005 (SEPP (State Significant Precincts)) identifies Luna Park as a state significant precinct. This Explanation of Intended Effect (EIE) explains a proposed amendment of the SEPP (State Significant Precincts) to include exempt and complying development provisions for certain land within Luna Park.

Exempt development is development of a minimal impact that does not require development approval. Complying development is a streamlined approval process for development that meets specific criteria. Complying development can be determined by a council or accredited certifier. When a proposed development is not exempt or able to be approved as complying development, a Development Application (DA) is required to be lodged to the appropriate consent authority.

Proposed amendments

Exempt and Complying Development Rides and Amusements Zone

The proposed amendment to SEPP (State Significant Precincts) will introduce exempt and complying development provisions for Luna Park within an 'exempt and complying development rides and amusements zone' as shown on the indicative map at **Attachment B**. This proposed zone generally reflects where Luna Park Sydney has historically undertaken the installation of new rides and amusements or the modification, replacement or relocation of rides and amusements and aligns with the parts of the site which are least affected by constraints such as heritage, view corridors, public access and pedestrian circulation.

Exempt Development

Temporary rides and amusements which will have a minimal impact are proposed to be permitted as exempt development in the proposed exempt and complying rides and amusements zone. To ensure impacts from rides and amusements installed, modified, replaced or relocated as exempt development are limited to an acceptable level, development standards are also proposed, including:

- Restricting rides and amusements to a maximum stationary height of RL20 (approximately 16m above existing ground level) generally reflecting the height of the cliff tops behind the Park
- Rides and amusements are to be open and not enclosed within a new building
- Rides and amusements must be temporary. That is they must not require permanent footings or foundations and must not be installed for more than 16 weeks in any 26 week period.
- Rides and amusements must be operated to comply with the maximum permissible noise level set by the Luna Park Site Act 1990 and comply with the Luna Park Acoustic Plan of Management.
- Rides and amusements must be consistent with a Conservation Management Plan endorsed by the Heritage Council of NSW or have a specific exemption under section 57 of the Heritage Act 1977.
- Rides and amusements must be consistent with the Luna Park Lighting Strategy (28 May 2002) prepared by Adamus Consulting Practice as part of the application for the 2002 development consent for Luna Park
- Rides and amusements must be installed and operated in a manner consistent with relevant safety legislation including:
 - the Work Health and Safety Act 2011,
 - the Work Health and Safety Regulation 2017, and
 - Australian Standard AS 3533.1-2009 (Amusement rides and devices – Design and construction)
- Rides and amusements must operate within the hours of operation set out under the conditions of consent issued for existing operational development consents applying to Luna Park.

Complying Development

Permanent rides and amusements are proposed to be permitted as complying development in the proposed exempt and complying rides and amusements zone. To ensure impacts from rides and amusements installed, modified, replaced or relocated as complying development are limited to an acceptable level, development standards are also proposed, including:

- Restricting rides and amusements to a maximum stationary height of RL 40 (approximately 36 metres above existing ground level) except over Lavender Green where rides and amusements will be restricted to a maximum stationary height of RL 20 (approximately 16m above existing ground level).
- Restricting the number of rides which can exceed a stationary height of RL22 to 6 across the entire Luna Park site at any one time (including the existing Ferris Wheel, Ranger and Hair Raiser rides).
- Rides and amusements are to be open and not be enclosed within a new building.
- Rides and amusements must be consistent with a Conservation Management Plan endorsed by the Heritage Council of NSW or have a specific exemption under section 57 of the Heritage Act 1977.
- Rides and amusements must be consistent with the Luna Park Lighting Strategy (28 May 2002) prepared by Adamus Consulting Practice as part of the approved 2002 development application for Luna Park
- Rides and amusements must be operated to comply with the maximum permissible noise level set by the Luna Park Site Act 1990 and comply with the Luna Park Acoustic Plan of Management.
- Rides and amusements must be installed and operated in a manner consistent with relevant safety legislation including:
 - the Work Health and Safety Act 2011,
 - the Work Health and Safety Regulation 2017, and
 - Australian Standard AS 3533.1-2009 (Amusement rides and devices – Design and construction
- Rides and amusements must operate within the hours of operation set out under the conditions of consent issued for existing operational development consents applying to Luna Park.

The Midway

The Midway area has a special function within Luna Park (marked as the hatched area on the map in Attachment B). Rides and amusements respectful of this special function have historically been located in the Midway and it is proposed that this be allowed to continue. The Midway is important for pedestrian circulation, vehicle access and view corridors. Views between the entrance 'face', Coney Island and Crystal Palace are particularly important. It is proposed to permit exempt and complying development in the midway area subject to the following additional development standards including:

- No ride or amusement to be installed for longer than 3 months
- No ride or amusement to reduce the width of the midway to less than 8 metres at any one point (except for the area between the existing Carousel and Ferris Wheel rides). This is generally the narrowest point of the Midway.
- No ride or amusement in the Midway is to have a length or width greater than 10m at any point
- Vehicular access for emergency vehicles must be maintained

Attachments

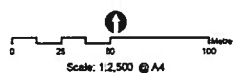
Attachment A – Land Application Area Map



Luna Park Land Application Map

Legend

 Luna Park Indicative Land Application Area



Document Path: \\C:\Users\jerry_1\OneDrive\Documents\Documents\2018\WAP\66423\Area_Maps\Luna_Park_Land_Application_Area_Map.mxd
 Display Name: Luna Park_LAP
 Date Saved: 21/10/2018 11:27:32 AM



Attachment B – Proposed exempt and complying development rides and amusements zone



Luna Park Amusement Zone Map

Legend

- Midway
- Lavender Green
- Luna Park Indicative Land Application Areas
- Indicative proposed exempt and complying development rides and amusement zone

