

Department of Planning

PLANNING REPORT

DEVELOPMENT APPLICATION: DA 154-06-01

SITE: Luna Park Entertainment Complex and Glen Street cliff top, Milsons Point

PROPOSAL: DA for strata commercial office building, Glen Street and Stage 1 DA for Luna Park Entertainment Complex

APPLICANT: Metro Edgley Pty Ltd

FILE: S01/01903

1.0 INTRODUCTION

1.1 Summary

A development application (DA) has been lodged by Metro Edgley Pty Ltd for a variety of proposals to the Luna Park site at 1 Olympic Drive, Milsons Point. The DA is in two major parts; the first seeks a staged approval for building envelopes, uses and the general master-planning of the site under s.80 (4) of the Environmental Planning and Assessment Act 1979 (hereafter referred to as the Stage 1 DA); The second part seeks consent for a new 10-level office building on the part of the site fronting Glen Street (hereafter referred to as the Stage 2 DA). The application also includes a SEPP 1 objection for floorspace and a “without prejudice” SEPP 1 objection for height (in the event that the determination of the permitted height differs from that in the application). A location plan is **tagged A**.

The Stage 1 DA proposal includes a range of entertainment and ancillary uses (including a Luna Circus/convention centre/auditorium, a waterfront restaurant/brasserie, and the location of amusements/rides), car parking for 500 spaces, building envelopes and heights, vehicle and pedestrian arrangements, public domain plan, operating noise levels, and hours of operation. Future development applications will be required for the detailed design of these buildings and the public domain. No further development consent will be required to proceed with the building proposed by the Stage 2 DA, if approved.

The DAs was amended by the applicant in response to design resolution of the strata office building and the pedestrian link between Glen Street and the Luna Park entertainment complex.

The Minister for Urban Affairs and Planning is the consent authority under clause 10 of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56). The Development Application is integrated development under section 91 of the EP&A Act, as an approval is required from the Waterways Authority, under Part 3A of the Rivers and Foreshores Improvement Act 1948, to permit the undertaking of works within 40 metres of Sydney Harbour. The Waterways Authority has provided standard consent conditions in the event the DA is granted approval.

1.2 Main Issues

The main issues relating to the DA includes the appropriateness of the proposed 500-space public carpark (serving Luna Park) and the 48-space private car parks (serving the proposed commercial office building), hours of operation, noise and traffic impacts to surrounding residential neighbourhood, loss of views for Glen Street residents, rationale for the proposed range of Luna Park uses, and compliance with relevant Luna Park Plan of Management and relevant environmental planning instruments. These, and other issues, are addressed under section 6 of this report.

PlanningNSW has also commissioned independent reports from Masson Wilson Twinney (traffic), Peter Leyshon Consulting (marketing) and Michael Collins & Associates (financial), to review the implications of the proposed 500-space Luna Park car park. The Environment Protection Authority was also requested to make comments on the acoustic implications and management of the redeveloped Luna Park.

A number of issues arose from these investigations, which have resulted in proposed conditions of consent for quantum of parking spaces, hours of operation, and levels of noise generation.

1.3 Recommendation

It is recommended that consent be granted, subject to conditions **tagged B**. The applicant has been given the opportunity to comment on the proposed conditions and has pressed their need for the full quantum of carparking. Apart from carparking, has raised no major issues regarding conditions.

2.0 BACKGROUND

2.1 *Siting and Location*

The Luna Park site extends along the south-eastern tip of Milsons Point, between the higher slopes of Glen and Northcliff Streets and the waterways and foreshore of Lavender Bay. The site contains a foreshore boardwalk, pedestrian walkways, recreation space for amusements and rides, administration facilities, and plant. Surrounding land uses include: -

- the North Sydney Olympic Pool directly south of the site;
- Bradfield Park, southeast of the site, and under the Sydney Harbour Bridge northern gantry;
- a number of commercial and residential office buildings, directly east of the site, and significantly elevated to dominate the Milsons Point skyline; and
- land owned by the State Rail Authority, northeast of the site, used for the stabling of trains.

The Luna Park site currently occupies three distinctive areas: -

- The Boardwalk/Foreshore Area, which provides public access along the harbour foreshore.
- The Entertainment Precinct, containing the Luna Park amusements, rides and administration centre, and located between the boardwalk/foreshore, and the base of the Glen Street cliff.
- The cliff-top area adjoining Glen Street and Northcliff Street to the east, and fronting a number of commercial and residential tower buildings.

2.2 *Past approvals and statutory decisions*

The site is already subject to a number of recent development approvals and site decisions: -

1. DA 316/00 for the removal of the Big Dipper, approved by North Sydney Council on 20 December 1999.
2. DA 427/00 for alterations to the Crystal Palace and additions to Coney Island, approved by North Sydney Council on 27 March 2000.
3. S96 modification to DA 427/00, including the generation of noise levels, approved by North Sydney Council on 15 September 2000.
4. DA 772/00 for a Staged DA for Master Plan parameters relating to the site, and including a car park for 500 spaces. North Sydney Council approved the DA on 23 October 2000, with conditions limiting the car park to 100 spaces, and refusing two alternate car park locations.
5. On 2 February 2001, Amendment 4 to SEPP 56 was gazetted, which included the transfer of the Luna Park from Schedule 2 to a Schedule 1 of this instrument. A consequence of this amendment makes the Minister the consent authority for the Luna Park site.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 *The development application*

The subject development application seeks the Minister's consent for Stage 1 and 2 consents pursuant to Section 80(4) of the EPA Act 1979, and comprising the following two elements: -

1. Stage 1 DA incorporating: -
 - (a) a variety of land uses including boardwalk brasserie café, Luna Circus and foyer buildings, and car parking structure;
 - (b) relocation of existing and proposed Luna Park amusements and rides;
 - (c) site building envelopes associated with proposed uses;

- (d) on-site carpark for 500 cars, accessed via Paul Street;
- (e) public domain plan;
- (f) site/activity noise levels; and
- (g) hours of operation.

The detailed design of the various buildings and development phases will be subject to future development applications.

2. Stage 2 DA for the detailed design of a strata commercial office building on Glen Street (this part of the site identified as Phase C). This development includes 40 office suites, 48 tenant on-site parking spaces, and a public pedestrian link connecting Glen Street to the lower Luna Park entertainment complex. This part of the development application is not staged and if approved could proceed to seek construction approval without the need to obtain further **development** approval.

3.2 Development application amendments

On 15 October 2001, Scott Carver Pty Ltd (architect for the Stage 2 DA strata office building) on behalf of the applicant submitted to planningNSW amended plans for the strata office building, incorporating: -

- Relocation of the proposed internal public pedestrian link to an external location between the subject site and adjoining 6 Glen Street (refer to details provided by letter dated 23 October 2001, below).
- Reuse of floorspace occupied by the original public stair as additional commercial office space and storage, a disabled parking space and a loading bay.
- Increase of office floorspace from 5,026m² to a total of 5,166m².
- The applicants has submitted two SEPP1 objections seeking variation to the North Sydney LEP 2000 floorspace control of 3.5:1 FSR, by a combined total of 1.056:1, or 1,517 m². The variations are a combination of additional office floorspace, storage and parking supply additional to the Council parking control.
- Use and enclosure of the undercroft area as storage for Luna Park operations.
- Treatment of the undercroft as a rendered block wall at the base with lightweight framed walls and louvres above.
- 1 loading area, a second disabled space and 12 bicycle parking spaces on parking level 4.
- Common disabled facilities adjacent to entry level 6 and access to foreshore at level 1.
- Awning added to Glen Street entrance.
- Sunscreen device options for all office suites – external moveable louver system (Ventil V80) or moveable translucent external roller blind.
- Final external finishes board.
- Energy Sustainability Report, and Stormwater report prepared by Adamus Consulting.

On 23 October 2001, the applicant's architects Scott Carver submitted further amended plans proposing an external public pedestrian link connecting Glen Street to the Luna Park entertainment complex. The pedestrian link provides a more direct and visible link from Glen Street is bordered between the southern boundary of the subject DA building and the northern boundary of the adjoining building at 6 Glen Street. The link leads to a lookout platform at RL 15.10, turns north along the western façade of the building, then turns west towards a bridge at RL 11.08 and connects to the roof of the Coney Island extension. The new link remains open to the sky along its length. The applicant has requested that the external public pedestrian link be considered under the Stage 1 DA instead of the detailed Stage 2 DA.

On 10 January 2002, planningNSW formally advised that it had accepted the amendments detailed above in accordance with s.55 of the Environmental Planning and Assessment Regulation 2000. Neither the proposed Stage 2 DA amendments, nor the request to incorporate the external pedestrian link as part of the Stage 1 DA, were advertised or notified for reasons including: -

1. the building envelope and height remains the same;
2. the amendments respond to issues raised by the Sydney Harbour Design Review Panel and PlanningNSW ;
3. the quality of the public domain is improved as a consequence of the amendments;
4. the amendments do not result in any adverse environmental impacts (overshadowing and privacy invasion);
5. the amendments raise no issues beyond the original application; and
6. the amendments provide information that was lacking in the original proposal.

4.0 STATUTORY CONTEXT

The Minister for Urban Affairs and Planning is the consent authority under clause 10 of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56).

5.0 CONSULTATION AND SUBMISSIONS

5.1 *Notification and Exhibition*

The DA was advertised in accordance with Section 79A of the EP&A Act 1979. The DA was publicly notified in the Sydney Morning Herald on 7th July 2001. Relevant public authorities and nearby landowners and occupants were notified by mail and direct letterbox drop to approximately 4300 properties. The notification was carried out in accordance with the North Sydney DCP 2001 Draft, on the advice of North Sydney Council staff that this was the appropriate policy for advertising. The notification mailout was based on the same area North Sydney had earlier notified in previous consents for the site with addresses taken from the North Sydney Council rates database in accordance with the DCP. The DA was placed on public exhibition at PlanningNSW 's Pyrmont and Head offices and at North Sydney Council between 6th July 2001 and 3rd August 2001. An extension to the public exhibition period was granted, terminating on 17 August 2001. The period of notification exceeded the 14day minimum required by the DCP as did the number of exhibition locations. A reduced plan of the application was not included in mailout information as required by the DCP as it was considered that given the complexity of the application an appropriate reduced plan could not be included in a such as way as to avoid the potential to confuse or mislead potential objectors.

5.2 *Summary of Public Submissions*

A total of 207 public submissions were received from surrounding residents, businesses, general public and government departments/relevant authorities. Relevant issues raised in public submissions are addressed under the report section 6 "Consideration of Submissions".

A total of 7 submissions were received in support of the development application.

Of the 200 objecting submissions, 109 (53%) were submitted in a standard petition form, which was advertised in the Mosman Daily on 26 July 2001 (author unknown) raising 7 grounds of objection (car park, noise, hours of operation, scale/height of office building, loss of views, structural damage to Coney Island, and insufficient DA information).

By way of location, 99 submissions (48%) were directly from residents and businesses located in Milsons Point, 171 submissions (83%) were from the North Sydney jurisdiction (Milsons Point, North Sydney, Lavender Bay, Neutral Bay, Kirribilli, McMahon's Point) and 37 submissions (18%) were from outside the North Sydney local government area.

5.3 Local Member

The site is within the electorate of North Shore. The local member, Jillian Skinner, MP, Member for North Shore wrote on behalf of residents in the vicinity of Luna Park, objecting to the: -

- Luna Park 500 space car park;
- commercialisation of Luna Park
- lack of clarity in the DA plans; and
- location of particular buildings on-site..

5.4 Referral to North Sydney Council

The DA was referred to North Sydney Council in accordance with SEPP56. **North Sydney Council** has objected to the DA for reasons including: -

- building envelopes exceed the height of the cliff face;
- building envelopes will have a detrimental impact when viewed from the Harbour;
- building envelopes may result in loss of views and privacy to properties behind;
- inadequate 6m setback of building envelopes from the cliff (for servicing);
- building envelopes breach Luna Park Plan of Management (LPPOM), including setbacks from the cliff, proximity of the brasserie/café to the Face, and the lack of a building break as a continuum of Dind Street;
- proposal breaches LPPOM objectives and indicative design outcome. The DA cannot be determined without amending LPPOM in accordance with the Crown Lands Act 1989.
- excessive car parking, which discourages the promotion of public transport;
- building envelopes do not allow for a break opposite Dind Street,
- building envelopes do not allow for adequate through-site viewing or from the Harbour to the cliff;
- building envelopes remove the historical relationship of Luna Park to the cliff;
- the Luna Park carpark structure is too dominating and will compete with Coney Island & Crystal Palace ;
- Luna Park carpark roof and ramps will result in a detrimental visual impact when viewed from Paul Street, which will detract from site heritage significance .
- excessive hours of use, with detrimental impact upon the amenity of the local residents;
- insufficient DA information (impact on water table and impact of sedimentation);
- office building breaches the FSR control. SEPP 1 objection not supported, which is based on the provision of additional parking and is contrary to objective of minimizing traffic generation;
- the breach of the height control by the strata office building lift overruns, resulting in an increased loss of resident views;
- expand the office building public viewing area (more apparent from Glen Street) ;
- landscape office building forecourt to minimise the visual impact of the undercroft area;
- inadequate treatment of the undercroft of the office building; and
- office car park façade treatment should not be open to the Harbour and requires modulation.

5.5 Summary of Submissions from Government Agencies/Authorities

The DA was also referred to a number of Government authorities/agencies. The following summary details relevant submissions: -

- 5.5.1 ***The Waterways Authority (Integrated Development Authority, requiring approval under Part 3A of the Rivers and Foreshores improvements Act).*** The Authority has provided standard conditions in the event of development consent being granted.
- 5.5.2 ***The Sydney Regional Development Advisory Committee (in accordance with SEPP11).*** The Committee has provided standard conditions in the event of development consent being granted.
- 5.5.3 ***The Sydney Harbour Foreshore Committee (in accordance with SREP23).***
The committee raises concerns that: -
- The car park has been moved closer to the Harbour and is inconsistent with SEPP 56.
 - The car parks do not assist in the promotion of public transport.
 - Vehicle access to the car park via Paul/Northcliff Street intersection does not provide a safe intersection with the principal pedestrian route from Milsons Point railway station to Luna Park.
 - Weather protection should be provided for pedestrians coming from Milsons Point railway station.
- 5.5.4 ***The Department of Land and Water Conservation (in accordance with clause 41(4) of North Sydney Local Environmental Plan 2000).*** The Department supports the Contamination report contained within the DA and the proposal for a further soil analysis prior to construction.
- 5.5.5 **Rail Estate** has raised concerns including: -
- the proposed 548 parking spaces do not assist in the promotion of public transport;
 - the 500-space car park will be used as a public car park during the day and will entice workers in North Sydney/Milsons Point to drive to work;
 - North Sydney and Milsons Point are very well served by public transport facilities/services;
 - the SEE comparison of Luna Park to Darling Harbour and Australia Wonderland is unfounded. Darling Harbour caters to a wide variety of facilities. Australia's Wonderland has no public transport facilities.
- 5.5.6 The **Environment Protection Authority** has commented on the acoustic implications of the proposed development, and note: -
- technical aspects and predicted impacts of the DA acoustic report appear to be clear and appropriate;
 - noise impacts of external rides to residential facades are difficult to address through routine measures such as source control and noise walls;
 - the DA acoustic report does not address mitigation options such as acoustic treatment of sensitive receptors; and
 - consideration should be given to requiring the applicant to negotiate a Noise Management Strategy (refer to chapter 8 of the NSW Industrial Noise policy).

5.6 Sydney Harbour Design Review Panel

The **Sydney Harbour Design Review Panel** (SHDRP) has provided the following comments on the DA Stage 1 DA: -

- Support for upgrade, enhancement and new mix of uses.
- Support new layer of activity along western face of Coney Island.
- Support view corridor and access through Glen Street office building.
- Recommended changes: -
 - The visual impact of the development (particularly the car park) from the harbour and the surrounding context.
 - The potential for green space over the car park.
 - The separation of development from the cliff face.
 - The relationship of the new western entry, view corridor and stair to the Luna Park experience.
 - The buildings' form and expression need detailed study.

The SHDRP has also provided the following comments on the Stage 2 Strata Office DA: -

- Support a new entry and layer of activity on the western face of Coney Island.
- Support view corridor and access through the proposed commercial building to the harbour and Luna Park.
- Recommendations: -
 - The public access requires more celebration from Glen Street and must also be celebrated on the harbour side. The stair could be skewed to the north-west.
 - The undercroft and back of house must be satisfactorily resolved to enhance both the public domain and the commercial attraction of the northern end of the site.
 - The Panel recommends that the “local” connection be reassessed as the connection could provide significant public and therefore commercial access to the site, which functions essentially as a retail/entertainment precinct.
 - Care to be taken with the lighting of the carpark facing the harbour.

6.0 CONSIDERATION OF SUBMISSIONS

A detailed list of submitters, and issues raised in submissions, is attached to this report (**tagged C**). A summary of the main issues in submissions is provided below.

6.1 500 space Luna Park carpark

Objections: A total of 179 submissions (109 in standard petition format) have raised concerns with the provision of a 500-space carpark on Luna Park land and combined with the 48-space car park contained within the strata office building. Concerns include: -

- the number of parking spaces proposed;
- the impact additional traffic will have on the surrounding street network;
- the impact of additional vehicular noise and pollution on surrounding residential areas;
- the massing and bulk of the car park structure;
- the likely discouragement of public transport use; and
- the inappropriate use of Luna Park “entertainment” land for a car park.

Parking Controls and Guidelines: The Luna Park carpark provision and quantum is addressed under the following requirements and controls: -

1. Luna Park Plan of Management
 - Opportunity for 100 space underground carpark under Site A Glen Street
 - Negotiate sharing of parking with existing commercial operators and developers
2. North Sydney DCP 1
 - 1 space/10m² for “Places of Assembly” = 428 spaces permitted
3. North Sydney Draft DCP 2000 = total 20 spaces permitted based on: -
 - retail 1 space per 100m² or 1 space per shop or restaurant = 10 spaces permitted for proposed 1,030m² café/brasserie; and
 - Other 1 space per 410m² = 10 spaces permitted for 4,280m² for Crystal Palace & Coney Island function rooms, Luna Circus, and Wild Mouse Party room.

The proposed quantum of carparking sought does not therefore comply with any of the documents listed above.

Applicant's justification: The DA Statement of Environmental Effects argues that a car park is required for the Luna Park Entertainment Complex: -

- by reducing the use of on-street parking, which is already limited in servicing the North Sydney Olympic Pool, offices, restaurants and residential uses;
- discouraging traffic movements around the Milsons Point residential streets for vehicles looking for on-street parking spaces by providing a direct route to/from the Luna Park carpark;
- accommodating patrons travelling to Luna Park by private vehicle;
- accommodating the mode of travel needs for the aged and disabled; and
- the financial and long-term viability of the new Park is underpinned by its conference, convention, function and entertainment business and consequently ability to provide on-site parking.

The applicant's “Patronage” consultant (Pannell Kerr Foster) estimates: -

- 1000 to 2000 patrons to Luna Park per day; 2000-3000 patrons for single venue events; and 3000-4000 patrons on busy days (Fridays, Saturdays);
- 51% of Inner Sydney patrons, and 52% of Outer Sydney patrons, are likely to travel to Luna Park by car;
- between 500-650 parking spaces are required is required for Luna Park to satisfactorily accommodate the demands generated by the redeveloped Luna Park; and
- without an on-site car parking facility, there would be a reduction in the attendance to the Park, which might put into question the financial feasibility of the proposed operation.

The applicant's traffic consultants (Colston Budd Hunt Kafes – CBHK) estimates and concludes: -

- 50% patrons to Luna Park travelling by car (and 50% by public transport);
- 150-300 cars to Luna Park on typical evenings; 300-450 cars to Luna Park for single venue events; and 450-600 cars to Luna Park on busy evenings;
- the existing road network has the capacity to cater for traffic generated by the Luna Park redevelopment;
- on busy days some patrons will have to park in the surrounding streets;
- the increases in traffic flow are for a busy Friday afternoon and evening. On typical evenings, the increase in traffic flows would be 50 to 75% of the busy Friday; and
- if a car park is not provided, traffic flows on the surrounding road network would still increase because of traffic circulating in search of an on-street parking space.

PlanningNSW independent consultants: PlanningNSW commissioned independent marketing, financial and transport/traffic reports to assess the contribution, viability and impact of the proposed car park and its contribution to Luna Park and the Milsons Point Precinct. A summary of these reports is provided below: -

a) Financial implications: Michael Collins & Associates (MCA) has provided an independent review of the development application, and assessment on the financial contributions, implications, sensitivities and feasibility of the proposed 500-space carpark as part of the Metro Edgley (ME) proposal. The MCA report specifically responds to various documents submitted by the applicant and draws financial conclusions specifically from the original ME tender, the PKF Consulting patronage study and financial feasibility, and the more recent Winchester Financial Group's "Equity Information Memorandum". The MCA report carries out an independent financial appraisal of the car park's contribution to the financial feasibility of the Metro Edgley proposal, and extrapolates financial estimates in response to reduced parking numbers ranging from 500 to 0 (depreciation by groups of 50 – i.e. 500, 450, 400, 350 spaces etc...)

The MCA report concludes: -

- The applicant's documentary material has not submitted any evidence that the 500 space car park is critical to the financial success of the Metro Edgley proposal, other than informed industry opinions supporting the proposal.
- DA material concludes that the MICE (meetings, incentives, convention, exhibitions) market will generate 41% of total revenue or 41% of net profit.
- Financial implications have been difficult to assess in the absence of detail costings for the ME project, which has led to a cautious approach adopted by MCA in estimating financial projections.
- Any reduction in car parking will create a shortfall in the financial viability of the project.
- The shortfall is mild at 450 spaces but becomes increasingly severe at 0 spaces.
- Depending on the aspirations and motivations of the developer, reductions to 450 car spaces or perhaps 400 spaces could be tolerated if the developer chose to treat the return profile of the project differently and/or sought ways to eliminate or restructure some of the development costs.
- **Report Conclusion:** *"We agree with ME's view that the Car Park will be fundamental to the financial viability of the redeveloped Luna Park and for this reason we consider that the Car Park must not be capable of being alienated from the operation of the Park."*

b) Marketing implications: Leyshon Consulting has provided an assessment of the marketing implications of the proposed carpark facility, including comparable examples. The report to PlanningNSW concludes: -

(i) Material submitted by applicant.

- Many of comparable facilities identified by DA are not comparable to what is being proposed at Luna Park.
- Functions are expected to be the major source of revenue (41%).
- Revenue derived from conferences and related activities will be critical to future viability of redeveloped Luna Park.
- Conference/convention/entertainment businesses are critical to the overall operation of a redeveloped Luna Park.
- Estimates of annual visitation to Luna Park vary between 771,410 (Metro Edgley) and 1,076,864 (Winchester Financial Group).
- Projected attendances are relatively low compared with other major facilities and attractions operating in Sydney Region, e.g.: -

- Harbourside Centre 8.5 mill per annum
- Sydney Opera House 6.5+mill per annum
- QVB 19.6mill per annum
- Royal Easter Show 1.3 mill
- Regional shopping centre 10 mill per annum

(ii) MICE (meetings, incentives, conferences & exhibitions) Market requirements

- Whilst Luna Park will have its own unique attractions, it will still compete wide range of existing MICE facilities and parking capacities: -
 - Darling Harbour 3,500
 - State Sports Centre 3,200
 - RAS 3,000
 - Sydney Opera House 2,690
 - AJC Randwick 2,000
 - Wesley Conference Centre 900
 - Centrepont Conference Centre 700
- Examples above do not include smaller competing facilities provided by major hotels.
- Importance of parking to success of operation is underlined by experience of RAS, with 10,000 spaces and Rail Station. RAS considers parking to be inadequate, due to distance of parking facilities. SOPA and RAS are exploring additional parking.
- If revamped Luna Park intends to compete in this market, provision of parking will be critical to its success. Luna Park would be severely disadvantaged by inadequate on-site parking supply.
- Between 278 and 550 car spaces would be required to meet the needs of Luna Circus and Crystal Palace events alone (assuming 50% patrons arrive by car at occupancy rate of 1.8 persons/car).

(iii) Retail/Entertainment

- **Food services:** Given the distance of Luna Park from Milsons Point railway station, and absence of regular ferry service, there are significant reservations about long term viability of food-based establishments without any supporting on-site car parking.
- **Café/Brasserie** would specifically would require in the order of 210 car spaces to operate successfully.
- **Entertainment:** Car parking has been critical to success of urban entertainment districts including Fox Studios, Darling Harbour, Wonderland, Taronga Zoo.
- Difficult to estimate level of parking required for entertainment due to potential fluctuations in levels of attendance.

(iv) Report Conclusion

- The success of Luna Park redevelopment will be dependent with performance of facilities with target markets.
- MICE market will be the major source of revenue to Luna Park.
- Sufficient parking is of significant importance to regional MICE, and also to catering for weddings and social events.
- 280 to 550 car spaces could be justified in terms of serving MICE market alone.
- Successful cafes/restaurants require access to parking located within 5 minutes walking. Some 210 spaces are required to meet attendances at café/bar alone.
- Overseas experience indicates that on-site parking is critical for successful entertainment zones.

- The provision of 500 spaces is appropriate and reasonable.

c) Transport & Traffic Implications: Masson Wilson Twiney (MWT) has provided an assessment of the traffic implications envisaged by the development application, including a review of the traffic report submitted with the development application. The MWT report includes the following assertions: -

- public transport frequencies are significantly reduced in the evening and at weekends;
- distance from a railway station plays only a minor role in the determination of mode split for night-time entertainment travel;
- the CBHK assumptions as to car use/occupancy and use of public transport are optimistic and may be regarded as targets;
- with the assumed modal choice and patronage forecasts, a supply of 500 spaces to serve Luna Park patrons is appropriate to avoid extensive on-street parking in the area.
- Traffic intersections would operate with only short vehicular delays and have spare capacity.

The MWT report to PlanningNSW concludes: -

“Our review indicates that if the patronage forecasts are correct then the assumptions towards use of public transport are optimistic and may be regarded as targets. If patronage/modal choice forecasts are in error there is potential for significant over-parking of local roads leading to circulating traffic and potential effects on residential amenity/resident parking availability.

This situation points to a need for a transport management plan for Luna Park whose objectives may be seen as:

- *promoting public transport use*
- *promoting non car borne access*
- *minimising demand for on-street car parking in residential areas.*

Report Conclusions: *It is recommended that any approval for Luna Park should include the following transport conditions:-*

- *office car parking numbers are to be defined by North Sydney Council DCP*
- *a transport management plan is to be prepared to the satisfaction of the Director-General of DUAP. (A draft contents list is included in Appendix C).*
- *a maximum of 500 parking spaces for visitors to Luna Park shall be provided with a layout to satisfy AS2890.1 (1993)*
- *a car park management plan is to be prepared to the satisfaction of the Director-General of DUAP. This management plan is to specify hours of operation, charging rates and conditions of use. It is stressed that all-day parking is to be controlled by means of a morning curfew and charging rates.*
- *a traffic signal controlled pedestrian crossing of Alfred Street shall be installed adjacent to Milsons Point railway station*
- *a review shall be undertaken of the security/safety aspects of the walk between Luna Park and Milsons Point railway station to identify any needs for signage/lighting/cameras/staffing etc.”*

Additional Applicant information: By letter received 18th December 2001, the applicant has provided a preliminary plan and parking layout for the Luna Park car park, including details design details suggested by planningNSW for the landscaping of the car park rooftop and the installation of

certain rides and retail activities along the west building façade. The preliminary plans indicate that each full basement level below the existing ground level would accommodate 63 cars. The total number of spaces in 5 basement levels below ground would be 326 cars, in 6 basement levels would therefore be 389 cars, 7 would be 452 cars, etc.

Assessment Summary: Based on an assessment of statutory objectives, design guidelines, the applicant's justification and preliminary parking layout, submissions received, and the independent consultant reports (marketing, transport and finance) supporting the necessary contribution of the carpark to the redevelopment proposal, the Luna Park car park is recommended to be limited to **389 parking spaces**. This recommendation is made in consideration of the following factors: -

1. existing public transport services to the precinct with limited late hour services;
2. the potential for improved future frequency of public transport services and joint-ticketing arrangements with Luna Park;
3. the independent consultant marketing and financial reports to PlanningNSW which conclude that a parking supply is essential to Metro Edgley proposal and should not be alienated from the site;
4. parking controls contained under North Sydney DCP 1 which would permit a total of 428 parking spaces for "Places of Assembly". (Note: it is considered that the Draft North Sydney DCP 2001 controls, which would permit a total of 40 parking spaces for the development proposed, can be given low weighting with respect to carparking as it does not appear to address the special uses nature of Luna Park, and in consideration of the level of parking supply already provided for surrounding smaller commercial buildings in Milsons Point);
5. independent consultant traffic report to PlanningNSW which concludes that the surrounding street network is able to accommodate anticipated vehicular capacities caused by the Metro Edgley proposal;
6. limited surrounding on-street parking supply to cater for additional parking likely to be generated by the Metro Edgley proposal;
7. lack of any surrounding commercial parking stations within the immediate vicinity of Alfred, Glen, Northcliff and Broughton Streets, to accommodate any additional parking capacity;
8. proposed condition to structure car park patronage to short-term users of Luna Park and the North Sydney Olympic Pool; and
9. proposed condition limiting the manoeuvring of vehicles from the car park to Alfred Street via Paul Street, and thereby restricting vehicular movement and noise through the adjoining residential precinct (Glen and Northcliff Streets).

6.2 48 space office carpark

The strata office building proposes 48 spaces (for 40 office suites). The proposed parking supply does not comply with North Sydney Council's Development Control Plan (DCP) 1 (limit of 24 spaces), DCP 21 (limit of 0 spaces), and Draft DCP 2001 (limit of 12 spaces).

The applicant has submitted the following reasons for the provision of 48 off-street parking spaces: -

- the office suites will accommodate 201-272 workers (5-7 workers per unit);
- the proposed development will not generate any adverse traffic impacts - 80-85% workers anticipated to travel to work via public transport and modal split is consistent with objectives of DCP 21 to limit traffic generation;
- vehicles travelling to/from the office building will not have an appreciable traffic impact; and
- the office building complies with North Sydney Council height control.

A review of surrounding North Sydney Council and Land & Environment Court decisions typically provides at least 1 space/residential unit and/or 1 space per 85-100m² commercial. Recognition is also given to the determination of Scott Revay and Unn Architects vs North Sydney Council (10584 of 1999) in which Senior Commissioner Peter Jensen appears to support the expectation of 1 parking space per strata unit.

It is considered that the office parking provision to be satisfactory, and is supported subject to the following proposed consent condition allocations: -

- not more than 44 spaces for commercial units;
- not less than 2 visitor spaces;
- not less than 2 loading bays;
- parking to include not less than 1 parking space per level for a disabled driver (ie not less than 2 spaces total); and
- 1 loading area (not included as a parking space).
- Bicycle storage facilities for 12 bikes located near to shower facilities.

6.3 *Promotion of public transport*

A total of 14 submissions object to the perceived discouragement of public transport use, as a consequence of the 500-space Luna Park car park. It is considered that the level of public transport usage is acceptable considering: -

- In discussion with the Department of Transport, a recommended consent condition requires the applicant to submit a Transport Management Plan which, in close consultation with City Rail and the State Transit Authority, and which addresses Luna Park patron ticket linkages with public transport services and facilities.
- A recommended consent condition requires that the applicant submit a Public Transport Promotion Strategy that addresses the marketing and advertising of public transport facilities and services to Luna Park, including opportunities such as public transport join-ticketing with Luna Park activities/rides, public transport advertising on Luna Park tickets (rides), a Luna Park information centre, an Information Board located at the entrances to Luna Park, and public transport directional and information signage within and to/from Luna Park.
- The independent reports commissioned by PlanningNSW on the traffic, marketing and financial implications of the Luna Park car park. The reports generally consider the provision of a 500-space on-site car park to be necessary to the Metro Edgley proposal, satisfactory to street network capacities, and on this basis are supported.

6.4 *Luna Park carpark would encourage commuter vehicles*

Some submissions have objected to the carpark on the grounds that it will attract commuter (non-Luna Park) parking in Milsons Point. It is considered that the carpark should not encourage commuter parking and conditions of consent recommended:-

- to require that parking is limited to patrons of Luna Park and the North Sydney Olympic Pool; and,

- request a Parking Management Plan to be submitted as part of the Stage 2 development application, and detailing: -
 - pricing structure to encourage short-stay parking and discourage long-term parking;
 - pricing structure associated with pricing mechanism for Luna Park rides and uses and North Sydney Olympic Pool patronage;
 - charging rates and conditions of use;
 - hours of operation; and
 - all-day parking is to be controlled by means of a morning curfew and charging rates.

6.5 *Luna Park hours of operation*

A total of 129 submissions (109 in standard petition format) have raised concerns with the proposed hours of operation within the Luna Park Entertainment Complex, in particular extending activities until 3 a.m. The table below describes the hours of operation sought by the applicant, and PlanningNSW's response and recommendations.

Activity	Proposed hours	PlanningNSW response
Internal spaces	7am – 3am Every day	Not supported. Recommend 7am - 1am limit.
External rides & amusements	10am – 10pm Sunday to Thursdays	Supported
	10am – 12 midnight Fridays & Saturdays	Supported
	10am – 12 midnight on days preceding public holidays	Supported, except for Good Fridays and Easter Mondays.
	10am – 11pm Public Holidays	Supported
	10am – 2am Festival Events (New years Eve, Australia Day)	Support for New Years Eve, Australia Day and 4 occasions in conjunction with public festivals as approved by the Luna Park Reserve Trust and notified to Council.
Restaurants, brasseries, cafes, shops	7am – 1am Mondays to Thursdays	Supported
	7am – 3am Fridays & Saturdays	Not supported. Limit hours to 7am - 1am.
	7am – 12am Sundays	Supported
Luna Park servicing	3am – 7am Every day	Not supported General servicing permissible 7am – 1am. 1am – 7am limited to conditional operation of quiet servicing only (restriction on use of mechanically operated tools).

Activity	Proposed hours	PlanningNSW response
Luna Park carpark	7am – 3am Every day	Supported. Recognise existing 3am consent for Coney Island and Crystal Palace granted by North Sydney Council.
Strata Offices	24 hours Every day	Supported.

Extended hours of operation for external rides have the potential to cause mechanical, music, amplified sound and patron noise impacts upon adjoining residential areas. Consequently, standard 10am-10pm hours of operation are recommended by consent conditions, with the exception of Fridays and Saturdays (midnight), public holidays periods (midnight) and special occasions including New Years Eve and Australia Day (2am).

Any further extension of these hours for other days has the potential to create unreasonable periods of operation in consideration of surrounding residential buildings. In accordance with the applicants Acoustic Report prepared (RFA Acoustic Consultants), the recommended hours of operation should ensure a maximum 60 dB(A) noise level to adjoining property boundaries at 10pm, 5 days a week.

The extended operation hours for internal activities between midnight and 3 a.m. is not considered to attract peak levels of visitation to Luna Park. However, the hours are likely to have a consequential impact on the amenity of surrounding residential buildings in terms of pedestrian and vehicular noise.

It is noted that Coney Island and Crystal Palace have development consent to operate until 3am (DA 427/00, North Sydney Council). These hours relate to the operation of private functions within these buildings and are subject to function leases and patron management. By contrast, the use of Luna Park proposed buildings for special **public** events for similar hours is not supported. The accumulated impact of extended hours of operation for all internal buildings is likely to generate noise impacts (music, patron and vehicular) upon surrounding residential areas. Consequently a 1am closure is recommended for internal buildings, accompanied by a midnight curfew for live music and amplified sound, and subject to a LA₁₀, 1 hour noise level from buildings and internal spaces not exceeding 60dB(A) when measured at any residential facade.

Restaurants and cafes are supported to operate up to 1 hour after the closure of external rides, as they are not considered to be major noise generators. This will also assist in easing crowd departure from Luna Park.

The following hours of operation are proposed as consent conditions to the Stage 1 development application for the Luna Park Entertainment Complex: -

- Internal spaces 7 am – 1am, seven days a week
- External rides & amusements 10am – 10pm Sunday-Thursdays & Sundays
10am – 12 midnight Fridays, Saturdays, Public Holidays and days preceding Public Holidays, excepting Good Friday and Easter Monday.
10am – 2am New Years Eve, Australia Day and 4 additional occasions approved by the Luna Park Reserve Trust.
- Restaurants, brasserie, cafes, shops 7 am – 1am Mondays – Saturdays
7 am – 12 midnight Sundays

- Luna Park servicing 24 hours, seven days a week, subject to 1am – 7am for quiet trade only (mechanically operated tools not permitted).
- Luna Park carpark 7am – 3am

6.6 Noise

A total of 137 submissions (109 in standard petition format) have raised concerns with the anticipated generation of noise from the Luna Park Entertainment Complex, in particular from external rides and vehicular movement. Concerns about noise generation are also closely linked with the applicant's proposed hours of operation, as well as the noise generated by the patrons and the continued operation of historic rides.

Luna Park is not a quiet environment, and is subject to noise generation from the Harbour Bridge vehicular traffic, City Rail trains crossing the Bridge on average every 3 minutes, waterways traffic including public ferries, surrounding construction activities, and the Luna Park operation. The applicant's acoustic report (prepared by RFA Acoustic Design) addresses the technical source for noise emissions in and around Milsons Point, and the potential acoustic impact of the proposed Luna Park Entertainment Complex on surrounding residential buildings. The RFA report analyses the combinations of various source of Luna Park acoustic impacts, and includes table summaries of noise impact to Luna Park boundaries. With the exception of the Big Dipper, the following acoustic impacts are achieved: -

- between 59 and 65dB(A) (maximum) to Glen Street steps
- between 60 and 62dB(A) (maximum) to McMahon's Point (Blues Point Road)
- between 68 and 70dB(A) (maximum) to Seidler Carpark
- between 71 and 79dB(A) (maximum) to Top Carpark (Glen).

This RFA graphic acoustic measurements reveal that the removal of the Big Dipper reduces acoustic impact along Northcliff and Glen Streets from 71-81dB(A) to 66-76dB(A).

RFA acknowledge a key requirement of the Luna Park Plan of Management in promoting the re-use of existing rides, including some noisy heritage listed rides such as the Wild Mouse. RFA conclude that with appropriate management, acoustic containment to surrounding residential uses can be successfully achieved to enable the operation of the Luna Park Entertainment Complex.

The RFA report makes the following conclusions: -

"1. Control of noise generated by sources within buildings and by the patrons associated with those buildings is regulated by existing approval conditions, being an L10 noise level of 60dB(A) at the nearest residences, applicable to Coney Island and Crystal Palace. It is proposed that these conditions should be extended to include the new building works."

Comment: It is considered that this statement is correct and appropriate conditions are recommended.

"2. Externally generated amusement park noise is a characteristic of the site which has been a feature present since 1935. While good management practices are proposed, it is also shown that operation of rides will, under some conditions, continue to generate noise levels as high as 80dB(A) at property boundaries."

Comment: It is considered that statement does not adequately address impacts to Glen and Northcliff Street property boundaries, in consideration that: -

- the RFA contour diagrams conclude a noise impact range of between 66-76dB(A), with the removal of the Big Dipper;

- RFA states that further decreases in noise levels will be achieved by the re-arrangement of rides within the Luna Park entertainment complex; and
- further acoustic containment will be assisted by the installation of Luna Circus, the Strata Office building and the Luna Park carpark. These proposed buildings do not appear to be included in the RFA acoustic contour diagrams.

It is recommended that noise levels be mitigated with the following measures and recommended conditions of consent: -

- Requiring that the LA₁₀, 1 hour noise level likely to emanate from buildings and internal spaces shall not exceed 60dB(A) at any time, and measured at the closest residential façade.
- Requiring the applicant to submit an independent acoustic report which addresses the acoustic levels generated by the final external ride locations on the boundaries of surrounding commercial and residential buildings (Stage 2 DA),
- Limiting hours of operation (refer to previous issue).
- Restricting the hours of noise generated by live music and amplified sound within fully contained buildings to midnight.
- Prohibiting the operation of formal outdoor musical performances and concerts.
- Requiring the closure of the pedestrian link to Glen Street by 10pm, 7 days a week (except for special occasions), thereby minimising pedestrian travel through residential areas of Milsons Point.
- Restricting the egress of vehicles from the Luna Park carpark from turning left into Northcliff and Glen Streets (installation of a “No Left Turn” sign), thereby directing vehicles away from potentially affected residential buildings.
- Requiring the applicant to submit an ‘Acoustic Mitigation’ report for mechanically operated rides. The report shall review the noise generated by existing and proposed external rides and address mechanisms for acoustic treatment.
- Requiring the applicant to submit a Noise Management Strategy in consideration of the New South Wales Industrial Noise Policy (chapter 8). The strategy should include: -
 - an effective consultation process with surrounding residents/businesses, notifying the community of forthcoming events, their duration and purpose;
 - an effective complaints handling mechanism,
 - appointment of a Community Liaison Officer with a contact (telephone) point, in particular for the hours of operation;
 - conducting project quality procedures, controlling plant and construction equipment by noise audit procedures designed to ensure best practice activities are employed on site;
 - project Environmental Management record keeping and reporting.

6.7 Loss of views caused by the commercial office building

A total of 123 submissions (109 in standard petition format) have objected to potential loss of views from adjoining residential buildings to the waterways, as a result of the height of the office building. The height of the office building will result in the loss of some views for the lower levels of the residential building at 37 Glen Street opposite.

The loss of views is by virtue that the residential building currently faces a vacant block. It is noted that the first level occupied level of 37 Glen Street is at RL 35.3, compared to the proposed office roof height of RL32.65.

It is considered that the loss of views should not be given a high weighting in the assessment as the height of the office building complies with the North Sydney LEP 2000 and it will be the second **lowest** building along this section of Glen Street west.

6.8 Height of the Stage 2 commercial office building and loss of views

A total of 116 submissions (109 in standard petition format) have objected to the height of the office building and consequential loss of views (refer to item 6.6 above for “loss of views”). The proposed office building will be predominantly lower than other adjoining buildings along Glen Street (west). The exception is 6 Glen Street, which achieves a building height of RL31.85. The proposed office building will achieve a building height of RL32.65, excepting two lift overruns, which will achieve RL 34.15 and RL 35 respectively. Other building along this section of Glen Street west, are significantly taller and will achieve heights varying between RL42.3 and RL58.

The site survey supplied by Scott Carver Pty Ltd, demonstrates that Glen Street achieves NGL levels of RL 22.34 to RL 19.74 running north to south adjacent to the office site. Based on these measurements the Stage 2 office building complies with the 14-metre height control required by the North Sydney LEP 2000.

North Sydney Council, in its submission of 20.08.01, argues that height should not be read from Glen Street road reserve, but from the adjoining driveway running parallel with Glen Street and servicing the Yellow Pages House. Council argues that the building breaches the height control by 0.26m (lift overrun), and that the proposal cannot be supported in the absence of a SEPP1 objection.

The subject driveway reserve varies between RL15.99 (north of the site) to RL 18.83 (midway of the site). Based on these measurements, the commercial building achieves a height of 19.66 m to the lift overrun and 16.66m to the parapet. The applicant’s planning consultants JBA has provided a “Without Prejudice” SEPP 1 objection to the variation of the height control. However, the submission argues that the Glen Street road levels should be relevant to the measurement of height, and not the lower excavated driveway to Yellow Pages House.

It is noted that the NSLEP 2001 control 59(3) emphasizes that height is measured “vertically above the **level of Glen Street**” and not from any adjoining reserve. Consequently, it is considered that the applicant’s interpretation of height from Glen Street should be supported, which produces a satisfactory context to buildings opposite and adjacent to the subject site. Consequently, the proposed height of the office building is concluded to comply with the North Sydney LEP 2000 height control, and complements the context of surrounding buildings.

6.9 Overdevelopment (FSR) of the strata office building

North Sydney Council has objected to the floorspace density contained within the strata office building, which breaches the 3.5:1 FSR control imposed for this site under North Sydney Local Environmental Plan 2000. Council notes that the FSR breach is the consequence of the building exceeding the parking controls, and thereby attracting additional floorspace. This proposed office parking supply is addressed under the consideration 6.2 above, and is supported.

The proposed strata office building contains 5,166m² commercial floorspace on a site area of 1,436m² and achieves an FSR of 3.6:1. Including the 1,377m² GFA for the parking component, the total commercial office floorspace is 6,543m², which achieves a total FSR of 4.556:1, and breaches the FSR control by 1.056:1, or 1,517 m².

The applicant has submitted two separate SEPP1 objections to vary the FSR control – one for the original DA, and a subsequent application as a consequence of further design revisions. The applicant's grounds for the FSR departure include: -

- Building envelope complies with the maximum NSLEP 2000 height standard.
- FSR departure is the consequence of additional parking and the relocated of an internal public link (Glen Street to Luna Park) to an external location and the consequential reuse of that internal space for office floorspace and storage.
- The external public link is an improved public benefit.
- The height, bulk and scale of the proposed development is well below that of existing and approved surrounding development in the locality.
- The parking will not create any adverse traffic impacts.
- The development will not create any adverse environmental impacts (overshadowing, privacy invasion).

The SEPP1 request to vary the floorspace ratio control of 3.5:1 to produce a FSR of 4.457:1 on the subject strata office site, is supported for the following reasons: -

- The 48 proposed parking spaces is closely associated with the provision of 40 small office suites (varying in size between 86m² and 161m²), and is supported for reasons detailed under item 6.2 above this report.
- The strata office building is the second lowest building along this section of the Glen Street streetscape. Surrounding buildings are significantly taller, with the exception of 6 Glen Street.
- Development results in minimal, and acceptable levels of privacy invasion, overshadowing and loss of views (latter addressed under report item 6.6).
- Surrounding developments approved by North Sydney Council and the Land and Environment Court provide at least 1 space/residential unit and/or and average of 1 space per 85-100m² commercial.
- Amended plans have relocated the internal pedestrian public link to an external location (as encouraged by the Sydney Harbour Design Review Panel), thereby requiring the internal reuse of floorspace for office and storage purposes.

6.10 Lack of clarity of information

A total of 118 submissions (109 in standard petition format) have objected to the lack of clarity in the submitted Stage 1 DA for the Luna Park entertainment complex. This criticism is derived from the Stage 1 development application seeking consent for Luna Park building envelopes, incorporating the use, footprint and height of buildings, but not for the detailed design. As staging of applications is permitted under S. 80 (4) of the Act, and as the design, articulation and treatment of individual buildings and supporting environmental information, will be part of a later development application process, it is considered that the application as lodged is acceptable with regard to this issue.

6.11 Potential structural damage to Coney Island

A total of 109 submissions (all by standard petition format) raise concern that the construction of the River Caves may cause potential structural damage to Coney Island. No detailed description of the River Caves Ride is contained in the Stage 1 drawings prepared by Hassell architects, and the Statement of Environmental Effects prepared by JBA Urban Planning Consultants. Consequently a recommended consent condition specifies that no consent is granted or implied for the "River Caves" ride.

6.12 Heritage Issues

A total of 9 submissions raise concerns with the impact of the proposed building envelopes upon the heritage significance of the Luna Park site. A Conservation Management Plan for Luna Park was prepared by Godden Mackay in 1992. A Heritage Impact Statement for the Stage 1 & 2 DA's had been prepared by Godden Mackay Logan. It is considered that the independent heritage impact statement should be supported, including the following conclusions: -

"7.2.2 The Stage 1 DA proposal provides for the conservation and maintenance of Luna Park through appropriate adaptation and ongoing use. The heritage objectives of the LEP are thereby fulfilled. Specifically:

- *There is no substantive adverse heritage impact;*
- *Luna Park will remain as part of North Sydney's heritage;*
- *The changes made to Luna Park represent a new phase in its continuing evolution as an amusement park and do not affect its setting;*
- *A small part of the Cliff Face is removed with the construction of the Commercial Office Building and some views of the Cliff Face are reduced by the proposed carpark;*
- *The proposal has been prepared to provide for conservation of individually significant elements;*
- *No historic subdivision is affected;*

The Godden Mackay Logan report concludes *"The proposed works are consistent with both the general philosophy and the specific requirements of the 1992 Conservation Plan. They comply with relevant statutory requirements..."*

6.13 Built Envelopes and Status of the Luna Park Plan of Management

North Sydney Council has objected to a number of proposed building envelopes, which vary from the Luna Park Plan of Management (LPPOM), and therefore require the plan to be amended prior to determining this development application. The Department of Land and Water Conservation has confirmed (verbal communication) that the LPPOM does not require to be amended in consideration of the Luna Park proposal. The LPPOM 'Design and Land Use Guidelines' are designed to *"reflect the preferred option for Luna Park as an amusement park supported by a range of other uses and as such are not prescriptive of development on the site."*, and *"It is intended to provide design flexibility for prospective operators, architects and designers."*

The proposed Stage 2 building envelopes generally conforms with the LPPOM Figure E Building Envelopes, with the following exceptions (and recommended consent conditions): -

1. The **Brasseries/Café** building encroaches into the western forecourt edge adjacent to The Face. A proposed consent condition requires amendment of the building envelope in accordance with the LPPOM Figure E.
2. The **Luna Circus** encroaches over the minimum 10m wide envelope separation extending from Dind Street above. This envelope variation is considered acceptable as the (Dind Street) break does not provide any identified view corridor, and the Luna Circus use is supported as part of the Luna Park range of entertainment uses. The applicant's argument that the closure of the (Dind Street) break will further assist acoustic mitigation to residential units above the cliff face, is supported.

3. **A cliff face 6-metre setback** is required by the LPPOM to enable a service route adjacent to the cliff. The existing route should be extended to allow servicing of new uses and Coney Island. A recommended consent condition requires an average 6-metre wide building setback at the base of the cliff be established north of the Luna Park Administration building to have the ability to incorporate a service lane.

6.14 *Relevance of proposed Luna Circus Auditorium, Luna Park carpark, and the Strata Office uses to the Luna Park site*

A total of 8 submissions object that an auditorium facility and cliff top office building do not contribute to the Luna Park entertainment complex and should not be permitted. Submissions have also addressed the permissibility of the Luna Park car park.

It is considered that the auditorium and office buildings satisfy the following instruments:-

- Section 6B(b) of the Luna Park Act 1990 (incorporating the Luna Park Site Amendment Bill 1997), which permits “(b) functions, exhibitions, conventions, meetings and markets”, and “(d) such other uses related to the provision of entertainment as may be declared by the regulations to be authorised uses for the purposes of this section”, to operate on the Luna Park site;
- Section 6C (c) of the Luna Park Act 1990, which permits “office accommodation” to be located within the cliff top area,
- North Sydney Local Environmental Plan 2000 clause 9, which permits the Luna Park zone to “allow for development for the purpose of public recreation, amusement and entertainment”.
- North Sydney Local Environmental Plan 2000 clause 59 (4), which permits the following additional uses on the subject land “car parks (used only in conjunction with Luna Park and the North Sydney Olympic Pool); commercial premises;”

The proposed Luna Circus (incorporating auditorium and conference functions) and the Glen Street office building both comply with the objectives for the Luna Park site.

6.15 Visual impacts of commercial car park on Luna Park public domain

Submissions have questioned the visual impact of the Luna Park carpark rooftop when viewed from Northcliff Street, and its juxtaposition to the entertainment character and uses of the lower Luna Park site. The Sydney Harbour Design Review Panel meeting of 17 August noted: -

“Of key concern is the location and design of the proposed car park. While it is acknowledged that its location provides logical street access from Glen St the appearance of the car park from above and the car park’s major elevations from all vantage points needs careful resolution. The scale and bulk of this structure suggests a substantial encroachment on the view from cliff top. A lower building or a below ground car park could be considered. Alternatively, extending the green space over the car park may benefit the rooftops image and amenity.”

A recommended consent condition prohibits the use of the car park rooftop for the parking of vehicles, and requires the carpark rooftop to be landscaped, with details submitted under a Landscape Plan as part of the Stage 2 development application.

A recommended consent condition is also included to require a detailed façade design for the car park building to achieve the following: -

- Reduce the bulk of the structure through appropriate façade design and articulation.
- Avoid the building appearing to be a carpark, including enclosure of the façade and avoidance of open-air façade treatment of the parking levels;
- Investigate opportunities of designing the carpark façade as a contribution to the character and environment of the Luna Park entertainment complex.
- Installation of certain rides and kiosks in front of the carpark structure to minimise its bulk and appearance.
- Landscaping of the car park roof.

6.16 Strata Office Building – use and design revisions

A total of 4 submissions raise concerns that the strata office suites are designed, and will be used, as serviced apartments. A recommended consent condition will limit the use of the strata office building for commercial office use, including professional suites.

Submissions have also raised design concerns with the strata office building, including the public pedestrian link to Luna Park, and the use and treatment of undercroft. The applicant has submitted revised plans to address these issues, and which include: -

- provision of an external public pedestrian link between the subject site and adjoining 6 Glen Street, to the Luna Park entertainment complex below. The link will incorporate a public viewing platform.
- disabled access from Glen Street to the Luna Park Entertainment Complex is provided by access and use of a lift located within the lobby of the strata office building.
- The use of the undercroft area will accommodate a storage area for Luna Park operations;
- The façade design of the undercroft area would take the form of a rendered block wall at the base, with lightweight framed walls and louvres above.

The design revisions respond to the issues raised in submissions and by planningNSW, and are supported.

6.17 Protection of trees

A total of 7 submissions raise concern with the removal of trees, in particular the cliff top Port Jackson Figs and Coral Trees immediately west of the junctions of Glen, Northcliff and Dind Streets. This submission notes that the subject site is not included as part of this development application. A recommended consent condition will require the applicant to submit an independent and qualified management report, for the approval of the Director General, regarding the current health of any heritage listed Fig Trees on-site, any pre-excavation protection to be undertaken on the trees, activities to be carried out during construction and any post construction activities to ensure the short and long term health of the trees. Any damage to the trees prior to and during construction will result in the issuing of a "Stop Order" notice, whilst appropriate remedial actions are undertaken.

6.18 Public access and use of the Luna Park Boardwalk

A total of 6 submissions raise concern with restricted public access and use of the Luna Park Boardwalk fronting Luna Park. A recommended consent condition requires the applicant to enter into an appropriate legal agreement with North Sydney Council to ensure that the foreshore boardwalk shall be available for public access, 24 hours per day, 365 days a year, unless otherwise directed by the Luna Park Reserve Trust.

7.0 ASSESSMENT AGAINST SECTION 79C MATTERS

The Development Application has been evaluated in accordance with the matters for consideration listed under Section 79C of the EP&A Act, and a table summarising this assessment is found at **Appendix 4**. Based on this evaluation and the assessment of key issues in Section 6 above, it is considered that the proposal warrants conditional approval.

8.0 S. 94 CONTRIBUTIONS

The Stage 2 DA for the strata office building attracts S.94 Contributions in accordance with the North Sydney Section 94 Contributions Plan. The S94 contribution applicable to the proposal is in relation to the office building and has been calculated based on a floor space of 5,166m², and is calculated as follows: -

FACILITY	S94 RATE/100m² (\$)	\$
Community Centres	63.28	3,269.04
Child Care	535.43	27,660.31
Library Acquisition	141.55	7,312.47
Library Extension, fixtures, computers	22.73	1,174.23
Multi Use Sports Centre	23.74	1,226.41
Olympic Pool	221.06	11,419.96
Open Space Embellishment	377.71	19,512.50
Open Space Acquisition	336.10	17,362.93
Streetscape Improvement	492.87	25,461.66
Traffic and Transport Improvements	682.4	35,252.78
Administration	203.19	10,496.80
TOTAL	3,110.05	160,149.10

Section 94 contributions will be levied for the Stage 1 DA works, at the rate applicable at the time of the granting of any Stage 2 development consent.

9.0 DEVELOPMENT SUSTAINABILITY

The Stage 1 DA for the Luna Park entertainment complex pursues a principle of ecological sustainability by virtue of the proposed active re-use and revitalisation of the Luna Park complex as a public entertainment facility. Details of ecological sustainability for the proposed Stage 1 land uses and buildings/structures are not addressed in the Stage 1 DA. However, a recommended consent condition requires the applicant to submit a statement addressing the design of any buildings or structures in relation to the principles of Ecological Sustainable Development as part of any Stage 2 development application.

The applicant has submitted an Energy Efficiency & Sustainability report for the Stage 2 strata office building, prepared by Adamus Consulting Practice. The report concludes the strata office building will achieve a 3 star greenhouse rating as set out by SEDA. It is noted that ecological sustainability is provided through a number of measures including: -

- Passive energy design via building orientation, window strategies to collect solar energy, and suitable building thermal mass; and
- Provision of sun shield devices to western facade, and subject to satisfaction of Director General.

A recommended consent condition requires the submission of an Energy Performance Report, prepared by an Accredited Energy Consulting Engineer, to be submitted to the satisfaction of the Director General and demonstrating compliance with a 4 star SEDA rating.

10.0 CONCLUSION

Issues including hours of operation, noise, traffic, car parking capacity, and related environmental impacts raised in submissions, have been addressed in this planning report. It is concluded that the impacts arising from the proposed development are manageable subject to consent conditions and, with respect to the Luna Park entertainment part of the application (the Stage 1 DA), with further details submitted as part of a subsequent development application(s) required to be submitted for the detailed aspects of the development. It is recommended that the Minister grant approval to the Stage 1 DA and Stage 2 DA.

Signed:

Stephane Kerr
Town Planner & Urban Designer
Consultant to the Department of Planning

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Endorsed:

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