

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

**DETERMINATION OF DEVELOPMENT APPLICATION No. MOD 32-05-2002
MODIFYING DA154-06-2001**

**STAGE 1 DA FOR PHASE D - CAR PARK AND CAFÉ/BRASSERIE BUILDINGS,
LUNA PARK ENTERTAINMENT COMPLEX**

(FILE No. S00/01093 Pt 4)

I, the Minister for Planning, in accordance with sections 80 and 96 of the Environmental Planning and Assessment Act 1979 ("the Act"), clause 10 of State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries (SEPP 56), determine the development consent referred to in Schedule 1 in the manner set out in Schedule 2.

The reasons for the imposition of conditions are:

- to ensure the creation of a high quality urban environment; and
- to protect the environment and amenity of the locality while construction works are in progress.
- to protect the environment and amenity of the locality during the operation of the Luna Park entertainment complex.

Andrew Refshauge
Minister for Planning

Sydney

2002

SCHEDULE 1

APPLICATION MADE BY:	Metro Edgley Pty Ltd 1 Olympic Drive Milsons Point NSW 1565
TO:	Minister for Planning
DEVELOPMENT APPLICATION:	MOD32-05-2002 to DA 154-06-2001
ON LAND BEING:	Luna Park, 1 Olympic Drive, Milsons Point
FOR THE CARRYING OUT OF:	Development of a strata commercial office building on Glen Street; and, Staged consent for development incorporating a variety of land uses and building envelopes for the Luna Park entertainment complex.
BUILDING CLASSIFICATION:	5, 6, 7a, 9b

**NOTICES RELATING TO MINISTER'S DETERMINATION OF DEVELOPMENT
APPLICATION MOD32-05-2002 to DA154-06-2001**

1. To ascertain the date upon which the consent becomes effective refer to Section 83 of the Act.
2. To ascertain the date upon which the consent is liable to lapse refer to Section 95 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right to appeal to the Land and Environment Court exercisable within 12 months of the receipt of this notice.
4. The applicant should ensure that all additional approvals and agreements are obtained from other authorities, as relevant.
5. All references to:

Director-General means the Director-General of the Department of Planning or her nominee;

Department means the Department of Planning;

PCA means Principal Certifying Authority;

PlanningNSW means the Department of Planning;

Senior Planner means an officer of Urban Assessments branch of PlanningNSW holding the position of Senior Planner and officers holding a higher position

Director means an the Director, Urban Assessments branch of PlanningNSW

Council means the North Sydney Council; and

Trust means the Luna Park Reserve Trust.

"Notes" included in the consent notice are advisory and do not form part of the approval.

6. Any advice or notice to the consent authority shall be served on the Director-General of the Department of Planning.

Introductory note: Development consent 154-06-2001 is structured in two parts to reflect the Development Application's proposed redevelopment of Luna Park in staged and non-staged components. This development consent separates conditions that are relevant to: -

Part 1: the non-staged component of the development application being for the Strata Office building on Glen Street, hereafter referred to as the "Stage 2 Development Consent"; and

Part 2: the staged component of the development application, being the staged development application (Stage 1) incorporating a variety of land uses and building envelopes for the Luna Park entertainment complex, hereafter referred to as the "Stage 1 Development Consent".

SCHEDULE 2

The development consent is modified as follows:

1. Amend Condition 85 in the following manner:

85. The Stage 1 development consent must be in accordance with Development Application No 154-06-01, submitted by Metro Edgley Pty Ltd, and "Development Application Statement of Environmental Effects to Minister for Urban Affairs and Planning", including consultant reports, prepared by JBA Urban Planning Consultants Pty Ltd dated June 2001, drawings numbered MDA02/B, MDA03, MDA04, MDA05/B, MDA06, MDA07 and MDA08 dated June 2001, **and as amended by plans numbered 6715A-PK-A10/1 Car Park Cross Section AA (September 2002), and 6715A-PK-A11/1 Car Park Cross Section BB, dated September 2002 and prepared by Hassell Pty Ltd**, and amended drawings numbered SK27 6715A dated 20 September 2001, prepared by Hassell Pty Ltd, as amended by the following conditions.

2. Amend Condition 91(c) in the following manner:

91. (c) On-Site Parking

The carpark shall not exceed RL12 in height, excluding the vehicle connecting ramp from ~~Dind~~**Paul** Street, lift overruns, plant and stair access. The carpark shall not encroach upon the curtilage of the "Face" as identified within Figure E "Building Envelopes" of the Luna Park Plan of Management. (Note: Conditions 105 through 116 in relation to the carparking and the carpark building).

3. Replace Condition 109 with the following:

109. The car park rooftop shall not accommodate any car parking spaces. The car park rooftop shall be landscaped and extended eastward to meet the cliff-face in order to integrate with existing landscaping along Northcliff Street and to facilitate public use and access. A rooftop Landscape Plan shall be submitted as part of a subsequent development application for the Luna Park car park.

4. Insert the following conditions after Condition 136: -

137. Conditions 94(b)-(e) and (g), 95, 99, 103, 121, 132 and 134 do not require satisfaction prior to the lodgement or determination of a development application relating to bulk excavation and the construction of a café/restaurant building and carpark.

Note: The works relating to the carpark and brasserie are known as Phase D

138. Conditions 94(a) and (f), 119 and 120 require only partial satisfaction prior to the lodgement or determination of a development application relating to Phase D bulk excavation and the construction of a café/restaurant building and carpark. The partial satisfaction extends to addressing the matter specifically relevant to the excavation and the construction of a café/restaurant building and carpark.

Note: The works relating to the carpark and brasserie are known as Phase D