



LD/TS/AD
16708
30 November 2016

Carolyn McNally
Secretary
Department of Planning and Environment
Level 22, 320 Pitt Street
SYDNEY NSW 2000

Dear Sir / Madam

LUNA PARK - WILD MOUSE TENANCY FITOUT 1 OLYMPIC DRIVE, MILSONS POINT

JBA has prepared this Statement of Environmental Effects (SEE) on behalf of Luna Park Sydney in support of a Development Application for fitout works to the existing kitchen, servery and function space at the ground floor of the Wild Mouse Building at Luna Park, Sydney (the site).

This report describes the site, its environs, the proposed development, and provides an assessment of the proposal in terms of the relevant matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). It should be read in conjunction with the following supporting documentation appended to the report:

- Architectural Plans prepared by In + Out Pty Ltd (**Attachment A**); and
- Heritage Statement prepared by GML (**Attachment B**); and
- Exemption under Section 57(2) of the *Heritage Act 1977* (**Attachment C**).

1.0 BACKGROUND

1.1 Project Context

Luna Park Entertainment Complex is the subject of a staged development consent that was granted pursuant to Section 80(4) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) by the (then) Minister for Planning on 31 January 2002. This Stage 1 consent (Ref: DA154-06-2001) outlined a pathway for the development of Luna Park as an entertainment precinct, in order to ensure the continued use of the site as a theme park, which remains financially viable, and historically relevant to visitors from Sydney and further abroad.

As part of Luna Park's continued investment and renewal, this application seeks to undertake fitout works to the existing retail tenancies in order to ensure that they continue to offer services which match the demands of the clientele at the site.

1.2 Simultaneous Development Application

It is noted that this application has been lodged simultaneously with another application, similarly proposing fitout works to the existing restaurant which forms part of the 'lighthouse' structure. Neither application will affect the other, with the works identified under each proposal contributing to the overall dining product offering at the Luna Park.

2.0 SITE ANALYSIS

2.1 Site Context

Luna Park is situated within the suburb of Milsons Point, located along the Sydney Harbour foreshore.

The Sydney Harbour Bridge and North Sydney Olympic Pool are situated to the south of Luna Park, with a railway storage area for Sydney Trains, connecting to the North Shore Railway Line, positioned immediately to the north. Luna Park also sits below a large cliff face that separates it from higher density office and residential development to the east.

A context map of Luna Park has been reproduced at **Figure 1** below.

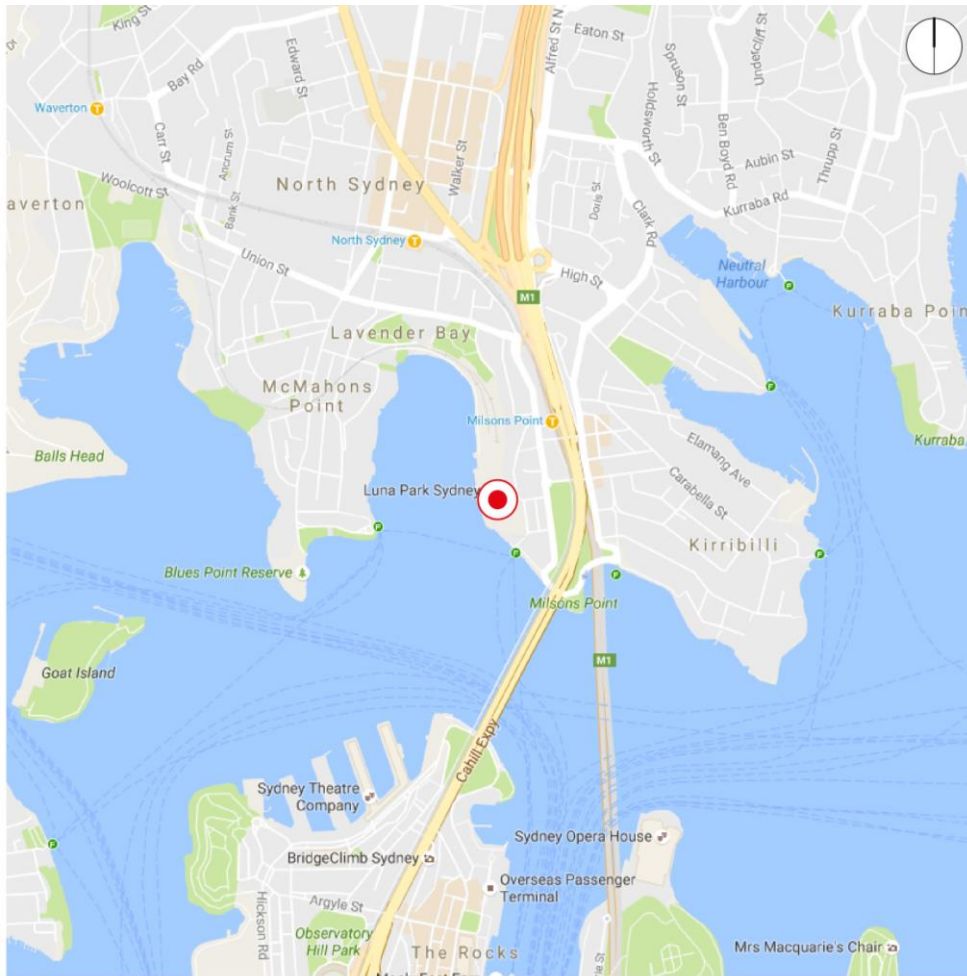


Figure 1 – Site context map of Luna Park
Source: Google Maps / JBA

2.2 Site Description

This application relates specifically to works at the Wild Mouse building, located within the 'Rides and Amusements Zone' of Luna Park as delineated under the Stage 1 consent (described in **Section 1.0** above). The Rides and Amusements Zone is depicted at **Figure 2** below.

The land to which this application applies is legally defined as Part of Lot 4 in DP1066900, with the registered owner listed as the Luna Park Trust. The site is illustrated at **Figure 3**.

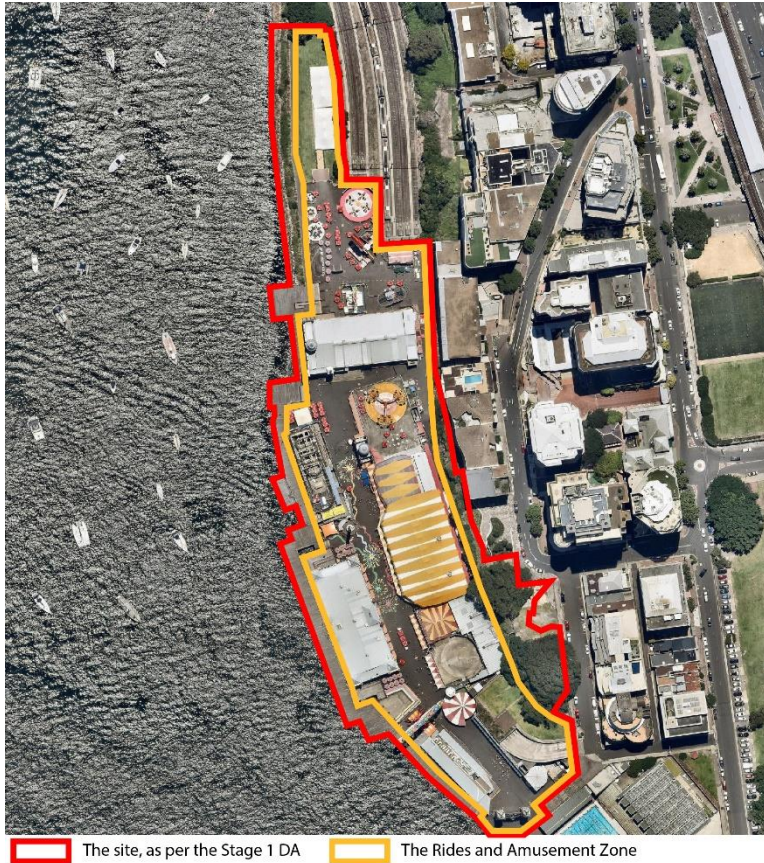


Figure 2 – Aerial photograph showing the site, and the Rides and Amusements Zone
Source: Nearmap

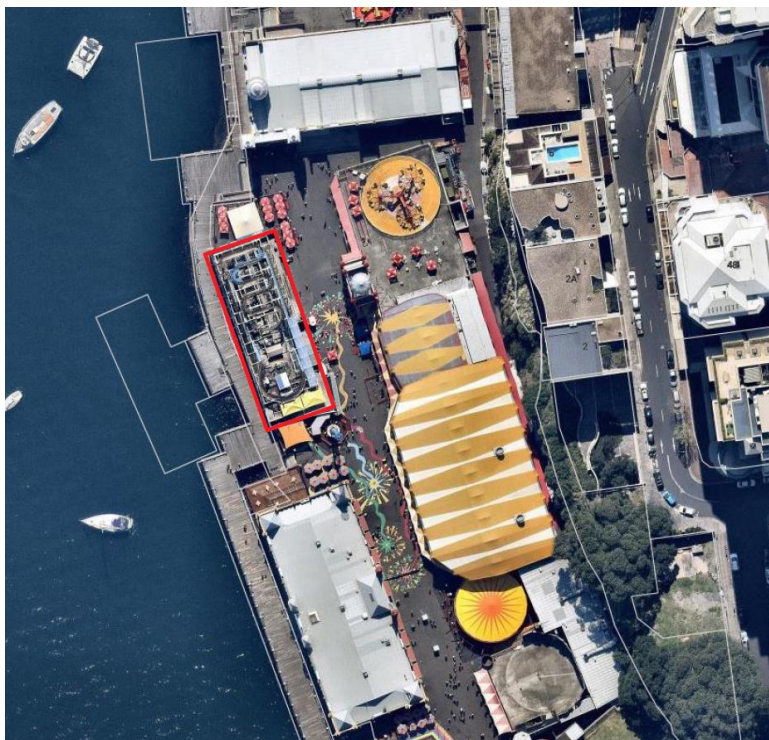


Figure 3 – Aerial photograph of the Wild Mouse Building
Source: Nearmap

The site is located along the Midway of Luna Park, between Coney Island to the north (see **Figure 4** below) and Crystal Palace to the south. Opposite the site to the east is the Tumblebug, with the public boardwalk and Sydney Harbour to the west. The internal space within the Wild Mouse Building is illustrated at **Figure 5**.



Figure 4 – The site (left) and its proximity to Coney Island



Figure 5 – Internal ground floor space within the Wild Mouse building

2.3 Planning Framework

Luna Park is listed as a State Significant Site under the *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP). Development with a Capital Investment Value (CIV) of less than \$10 million is assessed under Part 4 of the EP&A Act.

Under the provisions of *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional Development SEPP), development on the Luna Park site with a CIV in excess of \$10 million is assessed as State Significant Development under the State and Regional Development SEPP.

As the proposed development has a CIV of less than \$10 million, this DA is submitted to the Minister under Part 4 in accordance with Clause 9A of the Major Development SEPP.

3.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

This DA seeks approval for a proposed refit of the existing kitchen, servery and function space located at the ground floor within the Wild Mouse Building. The purpose of these alterations is to update existing facilities and ensure that they are keeping with the demands of visitors and guests to Luna Park.

The development includes the following works:

- Fitout and use of the space beneath the Wild Mouse structure, as a new 150-seat capacity food and drink premises / function space;
- Reconfiguration of the existing kitchen (including minor internal structural alterations);
- Removal of the existing blade walls fronting the Boardwalk in place of external louvre blinds installed to the face of retained windows;
- Decorative façade changes, in addition to a new 'Stage Set' shop front along the Midway elevation;
- Partial removal of existing lightweight rooftop walls to further expose the structure of the Wild Mouse; and
- Installation of new fabric awnings, entry columns and canopies.

The DA also seeks approval for a new illuminated identification sign. The signage is associated with the proposed new use, and shall feature the name of the shop.

Architectural drawings prepared by In + Out Pty Ltd have been provided at **Attachment A**.

4.0 ASSESSMENT OF PLANNING ISSUES

The following is our assessment of the environmental effects of the proposed development. The assessment includes only those matters under section 79C(1) of the EP&A Act that are relevant to the proposal.

4.1 Compliance with Environmental Planning Instruments

The following environmental planning instruments apply to the proposed development. The DA's compliance and non-compliance with the relevant planning controls is discussed below.

Table 1 – Summary of consistency with key strategic and statutory plans and policies

Control	Comment	Compliance
Luna Park Site Act 1990		
3. Object of this Act	The proposed application is consistent with the objective for Luna Park to remain available and accessible for the enjoyment of the people of New South Wales in that it enables Luna Park to continue providing food and drink offerings desired by the visitors to the site.	✓
6B. Use of Luna Park Site for Entertainment Uses	The proposal comprises works to an existing food and drinks premises, which fall under the definition of 'restaurants and cafés' within the provisions	✓

Control	Comment	Compliance
	of Clause 6B. In light of this, the proposed use remains permissible.	
8. Plan of Management	Clause 8 required the preparation of a Plan of Management, as well as noted uses which are prohibited on the site. The proposed food and drinks premises is consistent with the Plan of Management.	✓
19A. Legal Proceedings and Other Noise Abatement Action	This proposal comprises only minor retail tenancy works at the site, and will not have any noticeable acoustic impact on the surrounding area.	✓
Crown Lands Act 1989		
Division 6: Plans of Management	<p>The site is Crown Lands, and is consistent with the adopted Plan of Management prepared for the site. The Luna Park Plan of Management Vision Statement notes that <i>"Luna Park is to operate as a viable and successful amusement park which remains as public land and conserves the site's special identity and heritage features, while providing a wide range of entertainment and social facilities for the people of Sydney and its visitors."</i></p> <p>The Plan of Management includes design and land use guidelines providing the strategic framework for current and future development of the park. Compliance of the proposal against specific sections of the Plan of Management has been assessed below.</p>	✓
Luna Park Sydney Plan of Management 1998		
1.0 Heritage	The proposal is not located within any heritage items at the site.	N/A
3.0 Views and Vistas	The proposed works will not obstruct any of the nominated views or vistas.	✓
5.0 Building Envelopes	The proposed works are entirely within or on the façade of the existing Wild Mouse building, and will occur within the existing building envelope.	✓
6.0 The Design of Public Spaces	The proposed works will improve visual interest and activation to the "Midway". Provisions have also been made in the submitted plans for additional decorative lighting, which is in accordance with the desired objective of the Plan of Management <i>"to enhance the lighting of the park"</i> .	✓
7.0 Land Uses	The proposal will be used as a food and drink premises, which is consistent with the allowable uses at the site.	✓
Heritage Act 1977		
Section 57(1)	The Luna Park site is a State-listed heritage item. In accordance with Section 57(2) of the Heritage Act, given that the subject works do not affect any heritage fabric at the site, exemption has been simultaneously requested from the Heritage Council of NSW. A copy of this application has been provided at Attachment C for reference.	✓
State Environmental Planning Policy (State Significant Precincts) 2005		
9A. Development for which Minister is Consent Authority under Part 4	As the Luna Park site is listed under Schedule 6 of the State Significant Precincts SEPP and the proposal has a CIV of less than \$10 million, the Minister is the consent authority under Part 4 of the Act.	✓
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		
13. Sydney Harbour Catchment	<p>The proposal is consistent with the planning principles for land within the Sydney Harbour Catchment by way of the following:</p> <ul style="list-style-type: none"> ▪ the proposal will not affect the hydrological, ecological and geomorphological processes of the catchment; ▪ the proposal will not affect natural features in the catchment; and ▪ the proposal will not have any adverse impacts on views across the site (further discussed at Section 4.3). 	✓
14. Foreshores and Waterways Area	<p>The proposal is consistent with the planning principles for land within the Foreshores and Waterways area by way of the following:</p> <ul style="list-style-type: none"> ▪ the proposal will not have any adverse impacts on the natural assets of Sydney Harbour; ▪ the proposal will not have any adverse impact on public access to and along the Sydney Harbour foreshore; and ▪ the proposal will contribute to the unique visual qualities of Sydney Harbour (further discussed at Section 4.3). 	✓

Control	Comment	Compliance
15. Heritage Conservation	The proposal is consistent with the planning principles for heritage conservation, as discussed at Section 4.2 .	✓
21. Biodiversity, Ecology and Environment Protection	The proposal comprises replacement / refurbishment works only. As such, the development will not affect the biodiversity, ecology and environmental protection around the site.	✓
22. Public Access to, and use of, Foreshores and Waterways	The proposal maintains the provision of public access along the existing boardwalk.	✓
25. Foreshores and Waterways Scenic Quality	The scale of the existing Wild Mouse structure will not be enlarged under this proposal, with the building's form also generally retained. Further discussed at Section 4.3 , the scenic quality of the harbour foreshore will therefore be maintained.	✓
26. Maintenance, Protection and Enhancement of Views	The proposal will maintain views to and from Sydney Harbour. This has been further discussed at Section 4.3 .	✓
Part 4 – Strategic Foreshore Sites	As discussed throughout Table 1 , the proposal has been undertaken in accordance with the Luna Park site Masterplan.	✓
Part 5 – Heritage Provisions	The heritage impact of the proposal has been assessed at Section 4.2 .	✓
North Sydney Local Environmental Plan 2013		
2.1 Land Use Zones	The site is located within the SP1 Special Activities zone, whereby development for the purpose of 'Luna Park' (including ancillary development) is permissible with consent. The works proposed, specifically the refurbishment of an existing kitchen, servery and function space to produce a new café for Park visitors, are therefore consistent with the zoning. The proposed development is also consistent with the objectives of SP1 Special Uses zone, in that it contributes to the wider use of the site as a theme park, and has been designed to be consistent with the unique design characteristics of Luna Park.	✓
5.10 Heritage Conservation	The site is listed as State Heritage Item I0536, and is within close proximity to a number of other nearby heritage items. The heritage impact of the proposal has been further discussed at Section 4.2 below.	✓
6.19 Luna Park Site	This clause notes that development permissible under the Luna Park Act is also permissible under the North Sydney LEP.	✓
North Sydney Development Control Plan		
9.3.2 Luna Park Neighbourhood – Desired Future Character	The proposal will contribute to the availability of food and drink premises at Luna Park, maintaining a diversification of land uses throughout the complex.	✓
9.3.3 Luna Park Neighbourhood – Desired Built Form	The proposal is consistent with the desired built form for the Luna Park complex on the basis that: <ul style="list-style-type: none"> ▪ The boardwalk adjacent to Luna Park will still provide 24 hour public access to the foreshores of Lavender Bay ▪ The bulk and scale of the Wild Mouse building remains appropriate; ▪ Views of Luna Park to and from Sydney Harbour and vistas within Luna Park are maintained; and ▪ Materials, architectural details and colours of the new facades of the parlour complement heritage items on the site. 	✓

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)

SEPP 64 applies to all signage that, under another environmental planning instrument applying to the signage, can be displayed with or without development consent and is visible from any public place or public reserve, except as otherwise provided in that policy.

The signage proposed within this application is categorised as a 'business identification sign', defined under SEPP 64 as the following:

Business identification sign means a sign:

- (a) *that indicates*
 - (i) *the name of a person, and*
 - (ii) *the business carried on by the person, at the premises or place at which the sign is displayed, and*
- (b) *that may include at the address of the premises or place and a logo or other symbol that identifies the business*

but does not include any advertising relating to a person who does not carry on business at the premises or place.

The proposed sign will be used to identify the new retail tenancy at the ground-floor of the Wild Mouse building. The proposed sign will not advertise any product which is unrelated to the premises.

Accordingly the controls in Part 3 of SEPP 64 do not apply to any of the proposed signs, and pursuant to Clause 8 of SEPP 64 only the objectives of SEPP 64 and the criteria in Schedule 1 – Assessment Criteria of SEPP 64 are required to be considered in the assessment of this Development Application. The proposed signs are consistent with the objectives of SEPP 64 and satisfy the criteria specified in Schedule 1 of SEPP 64 as outlined below.

Clause 3 states the aims and objectives of SEPP 64, which are:

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements.*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposal is consistent with the above objectives in that the signage is complementary to the architectural character of the building design and visual character of Luna Park, and has been designed to a high standard of quality and finish.

Schedule 1 of SEPP 64 contains a range of assessment criteria which are matters for consideration by the consent authority in assessing applications for signage. The compliance of the proposed signs with the assessment criteria is set out in **Table 2** below:

Table 2 – Assessment of proposal against assessment criteria set out at Schedule 1 of SEPP 64

Assessment Criteria	Comments	Compliance
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is generally consistent with the existing business and building signage located throughout Luna Park, and is consistent with the desired future character of the complex (as described in Table 1 above).	✓
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is consistent with the approved Plan of Management which guides all future development within Luna Park.	✓
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other	The visual quality of the area is not detracted by the sign, which shall not be located within any environmentally sensitive, natural conservation, open space, waterway, or rural landscape areas. The	✓

Assessment Criteria	Comments	Compliance
conservation areas, open space areas, waterways, rural landscapes or residential areas?	compatibility of the proposed signage with Sydney Harbour has been further considered under the <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> assessment in Table 1 above.	
Does the proposal obscure or compromise important views?	The proposed sign is located within the boundaries of the Wild Mouse site, and does not protrude into the Midway. The proposed sign will therefore have minimal impact on views throughout the public domain.	✓
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign is located at the ground floor and will not impact on the skyline nor reduce the quality of vistas.	✓
Does the proposal respect the viewing rights of other advertisers?	N/A	N/A
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed sign are appropriate for the setting and will assist in the identification of food and drink outlets throughout the Luna Park complex. The proposed style and materials are consistent with existing surrounding signage.	✓
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign shall contribute to the visual interest of the Midway public domain, and is compatible with the desired future character of Luna Park.	✓
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed sign is minimalistic and does not introduce any unnecessary clutter into the public domain. The existing signage will be replaced in order for the new café to be appropriately identified by visitors and guests to Luna Park.	✓
Does the proposal screen unsightliness?	N/A	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign will not protrude above buildings, structures or tree canopies in the area or locality.	✓
Does the proposal require ongoing vegetation management?	The proposal does not require any ongoing vegetation management.	✓
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and overall built form of the existing Wild Mouse building.	✓
Does the proposal respect important features of the site or building, or both?	The proposed sign has been designed to complement the architecture of the future café.	✓
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign will contribute to a renewal of theming throughout Luna Park, necessary to attract new visitors and appeal to existing customers.	✓
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Internal lighting has been incorporated into the design, and will illuminate the sign at night. Illumination has been further discussed at Section 4.4 .	✓
Would illumination result in unacceptable glare?	The proposed illumination and materials utilised have been designed to ensure that unacceptable glare will not result from installation.	✓
Would illumination affect safety for pedestrians, vehicles or aircraft?	Due to the low illumination intensity and small scale of illumination of the sign, the safety of pedestrians, vehicles or aircraft will not be compromised by the proposed sign.	✓
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed sign will not detract from the amenity of any residences adjacent to the Luna Park site.	✓
Can the intensity of the illumination be adjusted, if necessary?	Based on the assessment presented in this SEE it is not considered that an adjustment of illumination will be required	N/A
Is the illumination subject to a curfew?	The lighting at the building will be in accordance with the wider operating hours of the park.	✓
Would the proposal reduce the safety for any public road?	N/A	N/A
Would the proposal reduce the safety for	The proposed sign will not reduce pedestrian or cyclist safety.	✓

Assessment Criteria	Comments	Compliance
pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed sign will not obscure sightlines from public areas, thus ensuring safety for pedestrians.	✓

4.2 Heritage Impact

A Heritage Impact Statement has been prepared by GML Heritage, and appended to this statement at **Attachment B**. This statement asserts that:

- The internal fitout of the café has no heritage significance and could be removed and / or altered with no impact on the significance of the site.
- The existing façades do not retain any heritage significance, and modifications to these façades would not result in any adverse heritage impact. The proposed additions are modest and in keeping with the character of Luna Park, and the proposed alterations will result in exposure of more of the actual Wild Mouse ride structure.
- The external presentation would change slightly with the new façade works, however the proposed façade designs would be consistent and compatible with the architectural character of other structures along the Midway and throughout Luna Park. Specifically, the new appearance of the western façade would be consistent with the character of Coney Island and the Crystal Palace, and GML determines that the proposed façade will be more in keeping with the character of Luna Park than the existing blue façade.

In light of the above and attached discussion, it has been sought that the application be exempt under Section 57(2) of the *Heritage Act 1977*, and the subject application is being made concurrently with this application.

4.3 Visual Impact

The proposed alterations to the external finishes of the Wild Mouse building are minor in nature. While a 'Stage Set' shop front, with new fabric awnings, entry columns, canopies and other decorative changes, shall update the façades of the structure, such a redesign will be compatible with existing architectural detailing throughout Luna Park. The proposal shall additionally remain consistent with the desired future character of the complex.

The partial removal of the lightweight parapet walls will also have minimal implications, having only been proposed to increase the visibility Wild Mouse ride (in accordance with the approved Plan of Management described at **Section 4.1**) and enhance the visual presence of the building from the Midway and the public domain. Furthermore, the louvre blinds proposed to replace the blade walls are neutral and shall not detract from or disturb the scenic quality of the Harbour.

The new exterior finishes are therefore considered to be compatible with the surrounds and are not likely to detrimentally impact on the integrity of adjacent buildings, structures, and heritage.

4.4 Illumination

The proposed works are to be illuminated in a consistent manner with the wider park, making use of the consistent lighting theme of Luna Park, as has been established in the Luna Park Plan of Management. The heritage sensitivity of the proposed lighting has been reiterated in the attached heritage discussion, whereby it is determined that the proposed lighting works are consistent with the existing lighting and character of other rides and structures at Luna Park. GML further notes that the feature lighting of Luna Park is integral to its amusement park character, and contributes to the identity of Luna Park as a vibrant amusement park at night. Further discussion has been provided at **Attachment B**.

As lighting is subject to the same curfew as the operations of Luna Park generally, it is not expected that there will be significant additional illumination impact when compared to the existing lighting at the site.

4.5 Building Code of Australia Compliance

The proposed development has been designed to be capable of complying with the Building Code of Australia, and the appropriate compliance assessment can be undertaken following the receipt of development consent.

4.6 Proposed Operations

The ground floor of the Wild Mouse building currently operates as a food and drink premises, with the established kitchen serving patrons through the 'Fish and Sips' takeaway outlet. The adjacent internal void is also available to hire for functions and parties. The proposal for a new café is therefore consistent with these existing uses, and will strengthen the available retail offerings for visitors and guests at Luna Park. A modern and renewed food and drinks offering shall also continue to support a diversity of land uses throughout the complex, consistent with the objectives of the Plan of Management (see **Section 4.1**).

4.7 Social / Economic Impacts

The proposal will have the positive social impact of improving the availability and accessibility of food and drink premises throughout Luna Park for returning and future visitors of the entertainment and tourist destination. Economic benefits primarily relate to the enhanced retail offering, with a new, higher quality food and beverage service promoting and encouraging a greater patronage of the outlets within the complex. The proposed signage will also more effectively identify the space from the Midway.

4.8 Site Suitability / Public Interest

The proposal aims to rebrand and renew the existing kitchen, servery and function space to improve the functionality and vitality of the premises. This will be beneficial and complementary to the overall business and entertainment operations of Luna Park by providing higher quality food and drink services that are more appealing to patrons of the complex. The development is therefore considered to suitable to the site, and in the interest of the public.

5.0 CONCLUSION

The proposal will improve the quality and availability of food and drink facilities throughout the Luna Park complex, and shall revitalise theming and façade treatment at the Wild Mouse building. The proposed development is permissible with consent under the Luna Park Site Act 1990, and is consistent with the aims and objectives of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, the *North Sydney Local Environmental Plan 2013* and the North Sydney Development Control Plan.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social or economic impacts, we recommend that the application be approved subject to standard conditions of consent. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or aduggan@jbaurban.com.au.

Yours faithfully



Tim Smith
Junior Urban Planner



Andrew Duggan
Director