

06006
15 May 2006

Director of Urban Assessments
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Ms Heather Warton

**PRELIMINARY ENVIRONMENTAL ASSESSMENT
PROPOSED DEVELOPMENT OF LOT 1 DP 1066900 AT LUNA PARK**

In response to your letter dated 21 April 2006 we are writing on behalf of Luna Park Sydney Pty Ltd to seek the Director General's Requirements with respect to the proposed development of the abovementioned site in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In support of this request the following letter provides a Preliminary Environmental Assessment of the proposed development for Luna Park in accordance with the schedule of information supplied by the Department of Planning.

Pursuant to Schedule 3 of State Environmental Planning Policy (Major Projects) 2005 the Luna Park site is listed as a State Significant site. Luna Park Sydney Pty Ltd proposes to develop this site in accordance with Part 3A of the EP&A Act and the *Luna Park Site Act 1990* and to prepare two Environmental Assessments for two separate developments over the subject site.

The following is a preliminary environmental assessment and includes:

- details the relevant development controls pertaining to the site and its development;
- an analysis of the site;
- a description of the proposed developments for the site;
- key issues derived from previous consultation with public and relevant authorities;
- provides a preliminary assessment of the likely impacts of these proposed developments; and
- identifies the necessary assessments to be undertaken in the preparation of the environmental assessments for each of the proposed developments.

This letter is submitted with the following:

- a detailed survey of the site – see **Attachment A**;
- preliminary drawings of the proposed developments – see **Attachment B**; and
- an application form and fees.

1.0 BACKGROUND

In January 2004, Luna Park Sydney Pt Ltd submitted a Development Application to the Sydney Harbour Foreshore Authority (SHFA) for the construction a 14 storey commercial building. The application came under close public scrutiny and the application was placed on hold on the 3 February 2004.

In July 2004, the Department of Planning (then Department of Infrastructure Planning and Natural Resources (DIPNR)) undertook a design study of the site. This study included a detailed site analysis, consultation and recommended certain development standards for future development

over the site. This study and the recommended controls were reviewed by Luna Park Sydney Pty Ltd and their responding comments were submitted to the Department on 24 October 2004.

It should be noted that Luna Park, which is Crown Land, is under the care, control and management of the Luna Park Reserve Trust (LPRT). To develop the cliff top site Luna Park Sydney Pty Ltd has previously entered into an agreement for lease for a 99 year lease t with LPRT

2.0 SEPP (MAJOR PROJECTS) 2005

On 16 December 2005, the Minister for Planning declared certain development within the Luna Park site to be development to which Part 3A of the EP&A Act applies and that the Luna Park site be designated a State Significant site by virtue of Schedule 3 of SEPP (Major Projects) 2005.

More specifically, Schedule 3 of the SEPP was amended to include specific development controls pertaining to development over the cliff top portion of Luna Park.

At the same time the Minister repealed State Environmental Planning Policy No. 56 - Sydney Harbour Foreshores and Tributaries (SEPP 56) and accordingly amended the Sydney Regional Environmental Plan (Sydney Harbour Catchment).

On 21 April, the Department confirmed in writing that the proposed development for the cliff top site is a Major Project to which Part 3A of the EP&A Act applies.

3.0 THE SITE

The site is legally described as Lot 1 DP1066900 and is approximately 2,620m² in area. A detailed site survey is included for your reference at **Attachment A**. The site is wedged shaped being irregularly defined on its western boundary by the cliff face adjacent to the entertainment precinct of Luna Park, situated at the base of the cliff. The site fronts Glen, Dind and Northcliff Streets to its eastern boundary and is shown in **Figure 1**.



Figure 1 – Site and locality plan

The site comprises a platform positioned along the edge of the cliff top that overlooks Luna Park to the west. The platform consists of two principal level areas, one within the northern end of the site adjacent to the northern boundary and Glen Street, referred to in the "Luna Park Plan of Management" as "Site B", which comprises former Lot 1259 DP485144 – see **Figure 1**.

The other level area is positioned mid way between the northern and southern ends of the site at the intersection of Glen, Dind and Northcliff Streets. This platform is slightly lower than Site B and is referred to in the Luna Park Plan of Management as "Site C", which comprises former Lot 1260 DP48514 - see **Figure 1**.

Currently used as a temporary car park the site is devoid of any buildings and is fenced along the street frontages with a 2 metre high colour bond fence, with separate gate entrances to Sites B and C.

Previous detailed site assessments, which were carried out to support the previous Development Application for the 14 storey commercial building, have documented the following site features:

- Portions of the site are geotechnically fragmented, much of this is located along and in the vicinity of the cliff face.
- Low levels of contaminants were likely to occur over the site due to its past uses, however it was considered that the site could be suitably remediated to accommodate future development.
- There was capacity to accommodate future development given the adequacy of relevant service infrastructure, including water, sewer, gas, electricity and communications.
- There were a number of trees over the site, of which the fig trees are listed as items of local and regional heritage significance.
- The cliff face is also an item of local and regional heritage significance.

The site is surrounded by a number of the different land uses as follows:

To the north - there is a seven storey office building (No.2 Glen Street) which abuts the northern boundary of the site. While this building addresses Glen Street, windows along the southern elevation of the building overlook the site and the entertainment precinct of Luna Park.

This is the predominant scale of other commercial office buildings that are situated along the western side of Glen Street and adjacent to the cliff face, which also overlook the entertainment precinct of Luna Park.

To the south - is a pedestrian stairway from Northcliff Street to the entrance of Luna Park. Adjoining this staircase, to the south, is the 'North Sydney Olympic Pool', which is an item of local and state heritage significance. The pool also accommodates a restaurant known as 'Aqua Dining', which overlooks the pedestrian stairway and the pool.

To the east - on the corner of Dind and Glen Street is a 25 storey residential apartment building known as the 'Pinnacle Apartments' (No. 2 Dind Street).

Situated on the southeast corner of Dind and Northcliff Streets are 4 two storey terrace dwellings (15-21 Northcliff Street). These dwellings are listed as items of local heritage significance.

South of these dwellings along Northcliff Street are a number of commercial and residential buildings varying in height from 10 to 13 storeys.

To the west - is the Luna Park entertainment precinct which is situated at the base of the cliff top, which defines the site's western boundary. The entertainment precinct has undergone significant refurbishment and redevelopment before and after its reopening in 2004. The Luna Park is a well identified Sydney Harbour land mark and is formally identified as an item of local and state heritage significance.

4.0 THE PROPOSED DEVELOPMENT

The proposed development for the site comprises the construction of two buildings each on the respective Sites B and C, which are illustrated in the attached preliminary plans prepared by Hassell Architects – see **Attachment B**.

The proposed development for Site B includes:

- a 7 storey commercial strata office building with a Nett Lettable Area (NLA) of approximately 2,350m²; and
- 2 levels of basement car parking accessed via a car lift from Glen Street.

The proposed development for Site C includes:

- a 2 storey building with NLA of approximately 720m²;
- a café/restaurant;
- 1 level of basement car parking accessed from Northcliff Street; and
- provision for a pedestrian access from the site linking to the proposed Luna Park Cinema building.

Additionally, associated landscaping and public access is proposed to be facilitated in and around the proposed buildings.

Two separate project applications will be sought for each of these developments; hence an Environmental Assessment will be prepared for each proposed developments for Sites B and C.

In accordance with Schedule 3 of SEPP Major Projects, the construction costs for each of the proposed developments will exceed \$5million dollars; being approximately \$16million and approximately \$6.7million for the proposed developments at Sites B and C respectively.

In the preparation of each of the Environmental Assessments for the proposals the following reports will be appended and considered:

- Site survey
- Architectural plans
- Concept landscape plans
- Table of Compliance
- Preliminary Geotechnical Assessment
- Preliminary Environmental Assessment
- Existing Utility Report
- Arborist Report
- Heritage Impact Statement
- Noise Impact Statement
- Traffic and Parking Assessment
- Design Statement
- Stormwater report
- Waste Management Report
- Construction Management Report
- BCA Report

5.0 CONSULTATION

The Luna Park Cliff Top area is a prominent development site that has been widely discussed and reviewed since January 2004. This application is a culmination of the input from the community and the relevant authorities. During the process the following groups, bodies and individuals have been consulted

- NSW Planning Department (& its predecessor DIPNR)
- Sydney Harbour Foreshore Authority
- Sydney Harbour Foreshore Authority Design Review Panel
- Luna Park Reserve Trust

- Minister for Planning
- Minister for Tourism & Minister for Sport & Recreation
- State Member for North Shore
- Federal Member for North Sydney
- North Sydney Council
- Luna Park Cliff Top Urban Design Panel (advisory role by the Urban Design Advisory Service)
- Lavender Bay Precinct Committee
- Protectors of Sydney Foreshore ("POSF")
- The late Harry Seidler
- Heritage Council
- Mosman Daily

The majority of these organisations and individuals will be consulted again during the exhibition period. The following organisations will be most prominent in the next stage.

- Luna Park Reserve Trust
- Sydney Harbour Design Review Panel
- North Sydney Council
- Lavender Bay Precinct Committee

6.0 KEY ISSUES

Based on previous consultation with the public and relevant authorities on the previous Development Application for the 14 storey commercial building and the exhibition of the Design Study by the then Department of Infrastructure, Planning and Natural Resources, a range of concerns and issues were raised with respect to the development of the subject site.

These included:

- material impacts associated with development including overshadowing and view loss;
- suitability of height, scale and form of development relative to site and local context;
- appearance of the proposed development as viewed from the Harbour;
- impacts of development upon the heritage listed fig trees and their root systems.;
- the desire to include publicly accessible areas of the site; and access to the Luna Park Entertainment Precinct; and
- impacts of additional traffic generation.

7.0 RELEVANT PLANNING INSTRUMENTS, CONTROLS AND LEGISLATION

The following table summarises various legislation, planning policies and plans relevant to the site and its development.

Legislation, instrument and plans	Standard/Development Control
Part 3A of EP&A Act 1979	– Site is designated as State Significant pursuant to Clause 75B
Luna Park Site Act 1990 (as amended)	– Permits Office and Restaurant development on the cliff top site
SEPP (Major Projects) 2005	– Site listed as State Significant Site – Development controls listed in Schedule 3
SEPP 55 – Remediation of Land	– The consent authority to consider whether the site is contaminated. – If contaminated then the site is required to be appropriately remediated or suitable for the proposed uses.

Legislation, instrument and plans	Standard/Development Control
SREP (Sydney Harbour Catchment) 2005	<ul style="list-style-type: none"> – Site located within Foreshores & Waterways Area Boundary – Compliance with planning principles listed at Clause 13 for land within the Sydney Harbour Catchment – Compliance with planning principles listed at Clause 14 for land within the F&WA Boundary – Compliance with planning principles listed at Clause 15 for heritage conservation.
North Sydney LEP 2001	<ul style="list-style-type: none"> – Site is zoned “Waterfront” – Listed heritage items over site – Listed heritage items in vicinity of site including, No.2 and 2A Glen Street and 15-21 Northcliff Street.
DCP 2002	<ul style="list-style-type: none"> – The maximum car parking requirements for the site are: <ul style="list-style-type: none"> 1 space per 400m² - commercial development 1 space per 50m² - restaurant development – Seeks to ensure that commercial development provides a high level of function, compliance with environmental criteria, and quality built form and public domain outcomes. – Ensure development is compatible with desired future character for Milsons Point
Sydney Harbour Foreshores Area DCP	<ul style="list-style-type: none"> – Consider effects to ecological community, landscape character, design guidelines, foreshore access and site and built form – Located within Landscape Character Type 8 – Luna Park deemed a “Landmark” site
Luna Park Plan of Management	<ul style="list-style-type: none"> – Identifies building footprint and design objectives for development over cliff top – Defers height control over to repealed North Sydney Council DCP 21 – Generally sets out design and land use framework aims to assist ensuring quality design outcomes for the site. – It is intended that the park “make appropriate use of the cliff top sites as entries to Luna Park and for low rise commercial buildings which assist in ensuring viability but do not detract from the amenity of the area.”

8.0 PRELIMINARY ENVIRONMENTAL ASSESSMENT

The following provides a preliminary assessment of the proposed development and outlines relevant studies to be undertaken in association with the preparation of the Environmental Assessments for each of the proposed developments over Sites B and C.

Compliance with statutory plans

The restaurant and commercial building are permissible forms of development pursuant to:

- Luna Park Site Act (as amended);
- North Sydney LEP; and
- SEPP (Major Projects).

The proposal is also consistent with the Metro Strategy and will provide employment opportunities in the North Sydney local government area.

A detailed assessment of the proposed developments' compliance with these and other controls as annotated previously in this letter will be undertaken in preparing the environmental assessments for each of the proposed developments.

Built environment

Schedule 3 of SEPP Major Projects provides development controls applying to proposed development over the site. These controls provide a clear built envelope for future development. Strict compliance with these provisions is required given that Schedule 3 of the SEPP (Major Projects) prohibits the application of SEPP 1.

The following potential impacts associated with the proposed scale and form of the developments for each of the sites will be assessed:

- views/outlook;
- design; and
- overshadowing.

Consequently, relevant information such as overshadowing diagrams, photomontages and design statements will be included and considered during the preparation of each of the Environmental Assessments for the proposed developments.

Impacts on adjoining properties

Aside from potential impacts to views/outlooks and overshadowing the proposed developments may generate additional noise impacts, particularly that of the proposed café/restaurant.

As such, an Acoustic Report will be prepared for each of the proposed developments to determine what levels of noise may emanate from each of the developments and what measures may be needed to mitigate impacts to adjoining properties, particularly that of nearby residents.

Hours of operation will also be reviewed in alignment with noise impacts to ensure that these hours do not impact upon the amenity of adjoining residents.

Streetscape and public domain

The required building footprints set out in Schedule 3 of SEPP Major Projects will facilitate opportunities for public access and landscaping in and around the proposed buildings. The Luna Park Plan of Management envisages that there also be public access between the cliff top and the entertainment precinct.

These aspects of the proposed developments will be reviewed in more detailed to ensure public safety and compliance with objectives of Schedule 3 of SEPP (Major Projects) and the Luna Park Plan of Management.

Impact on heritage trees and cliff top

A detailed arborist report will be prepared for each of the proposed developments to determine any impacts to the fig trees as a result of the proposed development.

The developments will be designed to ensure that proposed buildings will not be located within the canopy of any of the fig trees as required by Schedule 3 of SEPP Major Projects.

Aside from the heritage trees and their protection, the cliff face will be required to be protected during construction and operation of the proposed developments. A detailed Heritage Impact Statement will be prepared for each of the proposed developments by a suitably qualified consultant to review any associated impacts to the heritage items and assess whether the development is complimentary and compatible with these items.

Geotechnical stability

A Geotechnical Report for each of the proposed developments will be undertaken by a suitably qualified consultant to assess the existing geotechnical conditions of the site and the suitability of the proposed construction and excavation over the site.

These reports will also recommend any measures to be undertaken during excavation and construction of the proposed developments to ensure that the fabric of the cliff face is preserved.

Access, traffic, parking and transport

A detailed traffic and parking assessment will be undertaken by a suitably qualified consultant for each of the proposed developments. These reports will:

- determine the effects of the proposed parking arrangements;
- assess the quantum and effect of traffic generated from these developments, and
- assess the adequacy of nearby public transport to serve these new developments.

Energy performance and internal amenity

An Energy Efficiency Statement will be prepared for each of the proposed developments. This will ensure that the highest standard of materials will be incorporated into the building so as to reduce energy and water consumption where possible.

Construction management

A detailed Construction Management Plan and Waste Management Plan will be provided with the Environmental Assessments for each of the proposed developments. These plans will detail measures to be undertaken to ensure appropriate management of traffic, noise and vibration, and waste during the excavation, construction and operational phases of development.

Cumulative impacts

Given that each of the proposed developments will seek separate approval, cumulative impacts associated with these developments will be assessed and outlined in each of the respective Environmental Assessments.

9.0 CONCLUSION

We request that the proposed developments, as outlined in this letter, be reviewed with a view to providing the Director General's Requirements to Luna Park Sydney Pty Ltd to assist in the preparation of a separate Environmental Assessment for each proposed development. Further, we would like to confirm that the assessing authority will be the Sydney Harbour Foreshore Authority (SHFA).

Should you have any queries about this matter, please do not hesitate to contact the undersigned on Ph 9409 4919.

Yours faithfully

Amanda Harvey
Senior Planner

Enc **Attachment A** - Site Survey prepared by Hill & Blume
Attachment B - Preliminary Plans for development prepared by Hassell Architects

CC – Phil Naylor – Luna Park Sydney Pty Ltd
Di Talty – Luna Park Reserve Trust