



New South Wales

State Environmental Planning Policy (State Significant Precincts) Amendment (Luna Park) 2018

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy (State Significant Precincts) Amendment (Luna Park) 2018

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (State Significant Precincts) Amendment (Luna Park) 2018*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 Amendment of State Environmental Planning Policy (State Significant Precincts) 2005

[1] Schedule 3 State significant precincts

Insert before Division 2:

Division 1 Preliminary

1A Definitions

In this Part:

amusement device includes an amusement, ride or game.

Heritage Council has the same meaning as in the *Heritage Act 1977*.

Luna Park means the land identified as “Luna Park” on the Luna Park Amusement Zone Map.

Luna Park Amusement Zone Map means the State Environmental Planning Policy (State Significant Precincts) 2005 Luna Park Amusement Zone Map.

The Midway means the land identified as “The Midway” on the Luna Park Amusement Zone Map.

[2] Schedule 3, Part 2, clauses 3–5

Insert after clause 2:

3 Exempt development—amusement devices

The installation, modification, replacement, relocation or operation of an amusement device that is on land identified as “Exempt and complying development” on the Luna Park Amusement Zone Map is exempt development if it complies with the following requirements:

- (a) the amusement device must not be installed for more than 16 weeks in any 26 week period,
- (b) the development must not involve any permanent footings or foundations,
- (c) the development must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if there are no such relevant provisions, must be structurally adequate,
- (d) the development must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*,
- (e) the amusement device must be installed in accordance with the manufacturer’s specifications, if applicable,
- (f) the development must:
 - (i) be consistent with a conservation management plan endorsed by the Heritage Council under section 38A of the *Heritage Act 1977*, or
 - (ii) have been granted an exemption under section 57 (2) of that Act or be subject to an exemption under section 57 (1A) or (3) of that Act, or
 - (iii) be consistent with an approval granted under section 63 of that Act,
- (g) the amusement device must not exceed a stationary height of RL20,

- (h) the amusement device must not be enclosed (partially or otherwise) within a new building,
- (i) the amusement device must not emit noise that exceeds the maximum permissible noise level (within the meaning of section 19A (5) of the *Luna Park Site Act 1990*),
- (j) the amusement device must not involve strobe lighting,
- (k) the development must be consistent with:
 - (i) the *Luna Park Acoustic Plan of Management* adopted on 4 June 2002, and
 - (ii) the *Luna Park Lighting Strategy* adopted on 28 May 2002, and
 - (iii) AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
 - (iv) AS/NZS 1158.3.1:1999, *Road lighting, Part 3.1: Pedestrian area (Category P) lighting—Performance and installation design requirements*,
- (l) the development must comply with the relevant provisions of AS 3533.1—2009, *Amusement rides and devices—Design and construction*.

Note 1. The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017* contain provisions relating to amusement devices.

Note 2. The development consent for DA 154-06-01 imposes conditions regulating the hours of operation of all external rides, amusements and entertainments at Luna Park.

4 Complying development—amusement devices

The installation, modification, replacement, relocation or operation of an amusement device on land identified as “Exempt and complying development” on the Luna Park Amusement Zone Map is complying development if it complies with the following requirements:

- (a) the number of amusement devices within Luna Park with a stationary height of more than RL22 must not exceed 6,
- (b) the amusement device must not exceed a stationary height of RL40,
- (c) the development must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*,
- (d) the development must meet the relevant provisions of the *Building Code of Australia*,
- (e) the amusement device must not emit noise that exceeds the maximum permissible noise level (within the meaning of section 19A (5) of the *Luna Park Site Act 1990*),
- (f) the development must:
 - (i) be consistent with a conservation management plan endorsed by the Heritage Council under section 38A of the *Heritage Act 1977*, or
 - (ii) have been granted an exemption under section 57 (2) of that Act or be subject to an exemption under section 57 (1A) or (3) of that Act, or
 - (iii) be consistent with any approval granted under section 63 of that Act,
- (g) the amusement device must not be enclosed (partially or otherwise) within a new building,
- (h) the amusement device must not involve strobe lighting,

- (i) the development must be consistent with:
 - (i) the *Luna Park Acoustic Plan of Management* adopted on 4 June 2002, and
 - (ii) the *Luna Park Lighting Strategy* adopted on 28 May 2002, and
 - (iii) AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, and
 - (iv) AS/NZS 1158.3.1:1999, *Road lighting, Part 3.1: Pedestrian area (Category P) lighting—Performance and installation design requirements*,
- (j) the development must comply with the relevant provisions of AS 3533.1—2009, *Amusement rides and devices—Design and construction*,
- (k) if works are required for the purposes of the development, the occupier of each dwelling that is located on a lot that has a boundary within 20 metres of Luna Park has been given written notice of the works at least 7 days before the works commence.

Note. The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017* contain provisions relating to amusement devices.

5 Amusement devices on “The Midway”

- (1) The installation, modification, replacement or relocation of an amusement device on The Midway must also comply with the following requirements:
 - (a) despite clause 3 (a) of this Part, the amusement device must not be installed for a period exceeding 3 months,
 - (b) the development must not result in the width of The Midway being less than 8 metres,
 - (c) the amusement device must not exceed a length or width of more than 10 metres,
 - (d) emergency vehicle access to and through The Midway must be maintained.
- (2) Subclause (1) (b) does not prevent an amusement device being installed on, or relocated to, the site occupied by the ferris wheel or carousel ride at the commencement of this clause.

6 Condition of complying development

A complying development certificate issued under this Part in relation to the operation of an amusement device must contain a condition requiring the hours of operation of the amusement device to be in accordance with the conditions of the development consent for DA 154-06-01.