



3 May 2016

RJC\16-032A

The Department of Planning
33 Bridge Street
Sydney NSW 2000

Attention: Mr Ben Lusher

Dear Ben,

**re Major Project Application MP07-0144
Concept Plan for the Entertainment Quarter ("EQ"), former Moore Park
Showground, Lang Road, Moore Park
Section 75W application to vary the lapse date for the approved Concept Plan**

We write on behalf of Carsingha Investments Pty Ltd ("the Proponent") in relation to the approved Concept Plan for Major Project MP07-0144. For the reasons set out herein, the Proponent requests that pursuant to the provisions of Section 75W of the Environmental Planning and Assessment Act, 1979 the Concept Plan approval be modified as to extend the lapse date by a further two years (i.e. from 25 November 2016 to 25 November 2018).

Relevant details are provided below:-

1. The Concept Plan approval

On 25 November 2011 the Planning Assessment Commission (PAC), as delegate of the then Minister for Planning and Infrastructure, approved Major Project application MP 07-0144, comprising a Concept Plan for EQ which includes:-

- identification of 6 new building locations, maximum height and maximum floor area;
- an increase in the maximum floor area to 144,000sqm across the entire Former Moore Park Showground site;
- an increase in the maximum floor area permissible within EQ to 76,500sqm, providing the Working Studio with a resultant maximum floor area of 67,500sqm; and
- demolition of Buildings 17 and 220.

The Concept Plan was approved under (the now repealed) Part 3A of the Environmental Planning and Assessment Act, 1979.

A copy of the PAC determination is provided in **Attachment 1**.

A copy of the Concept Plan approval is provided in **Attachment 2**.

The approved plans, as referred to in Condition 2 of the Minister's approval, are provided in **Attachment 3**.

2. Condition 5 of the Concept Plan approval

Condition 5 of the Concept Plan approval states:-

"5. Limits on Approval:

- (a) This approval does not allow any components of the Concept Plan to be carried out without further approval or consent being obtained except demolition of Building 17 and Building 220.*
- (b) This approval will lapse five years from the date of this approval unless works the subject of any related application are physically commenced, on or before that lapse date, other than works involving the demolition of Building 17 and Building 220.*
- (c) The Concept Plan approval does not permit the construction of any aspect of the development, excluding demolition works."*

In the absence of the modification requested in this Section 75W application, the Concept Plan approval will lapse on 25 November 2016.

3. Requested Modification of the Concept Plan approval

The proponent requests that Condition 5 of the Concept Plan approval be modified so that the approval lapses on 25 November 2018 (i.e. an extension of the lapsing date by a further 2 years).

4. Section 75W

Section 75W relevantly states:-

75W Modification of Minister's approval

(1) In this section:

Minister's approval means an approval to carry out a project under this Part, and includes an approval of a concept plan.

modification of approval means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

(2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.

(3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

(4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.

(5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.

(6) Subsection (5) does not apply to a request to modify:

(a) an approval granted by or as directed by the Court on appeal, or

(b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

(7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

5. Justification for the requested modification of the Concept Plan approval

5.1 The economic importance of the Concept Plan

The Concept Plan provides the essential framework for further development at EQ, to increase the onsite workforce and provide further economic stimulus as a basis for the precinct's future economic viability.

The Carsingha Group is currently engaged in the process of securing the Nine Entertainment Group as a key tenant in the development of the Concept Masterplan. This strategy is supported by the Centennial Park and Moore Park Trust. There is further interest in the balance of the development potential from interested parties based on securing the Nine Entertainment Group.

Further to this, the NSW Government Light Rail Project includes a Moore Park Station that further reinforces the attractiveness of the EQ to potential users. This is currently programmed to open in 2018. The addition of this amenity coincides with the timing of the potential development of the Concept Masterplan and provides the new owners with an increased opportunity to fulfil the objectives of the original intent of the Concept Masterplan.

The EQ leasehold is a major contributor to the annual funding of the Centennial Park and Moore Park Operating Budget and the development of the Concept Plan will further underpin that Operating Budget.

The development of the Concept Masterplan forms an element of the Draft Centennial Park Masterplan further reinforcing the strategic importance of the economic viability of the EQ to the Centennial Park and Moore Park Trust.

The additional floor space that has been approved has enormous potential in further strengthening the role of the former Moore Park Showground as a centre of excellence for the film and television industry. This is an industry which is of great economic importance to New South Wales (might want to say something about employment generation).

In this regard, EQ is a highly eligible and appropriate site for a TV network. Extending the lapse date of the Concept Approval by a further two (2) years will enable the Proponent to secure and satisfy the space needs of one of the major Australian TV networks. This will result in

highly constructive and productive synergies with other TV and film industry businesses in both EQ and in the adjacent Fox Studios (which for profession TV and film industry purposes are interconnected). These include the Australia Film Television and Radio School in EQ.

5.2 Timeframe required for implementation

The additional two years to implement the approval are vital to ensuring that the EQ precinct can fulfil its true economic potential. It will allow the Proponent to satisfy all of the various requirements of the Concept Plan approval which are to be satisfied before any further application can be lodged to erect new structures within the building envelopes approved by the Concept Plan. These requirements include consultation with key stakeholders which cannot effectively be completed in time to allow the further applications to be prepared, lodged, assessed, approved, CCs to be obtained, conditions to be satisfied and works commenced.

Accordingly, another two years are required to allow all this to occur.

6. Further Action

We trust that you have all of the required documentation to allow you to determine this Section 75W application. However, if any clarification or further information is required, please do not hesitate to contact the undersigned.

Yours faithfully

BBC Consulting Planners



Robert Chambers

Director

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