

ASSESSMENT REPORT

Entertainment Quarter Concept Plan MP 07_0144 MOD 1

1. INTRODUCTION

This report is an assessment of a request to modify the Concept Plan approval for the Entertainment Quarter at Moore Park in the City of Sydney local government area.

The request has been lodged by Titanium Property Investment pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to extend the lapse date of the approval.

2. SUBJECT SITE

The subject development site is known as the Entertainment Quarter (EQ) and is located within Centennial Parklands, approximately three kilometres southeast of the Sydney CBD and 1.8 kilometres west of Bondi Junction. The location is shown in **Figure 1**.



Figure 1: Project location

The EQ has an area of approximately 11.08 hectares and is bounded by the Working Studios and Sydney Cricket Ground to the north, Lang Road to the south, Cook Road to the east and Driver Avenue to the west. Vehicular access to the site is provided from the signalised intersection at Lang Road and Errol Flynn Boulevard. Pedestrian access is provided from Errol Flynn Boulevard and Chelmsford Avenue.

To the south of the site is the Centennial Park Equestrian Centre, Moore Park playing fields and an existing residential precinct containing approximately 50 dwellings, sited between the edge of the Moore Park playing fields and north-western boundary of Centennial Park. Immediately to the east of the site is predominantly residential development, including a mixture of one to two storey residential dwellings and larger residential flat buildings, up to nine storeys in height.

Further to the east of the site is Centennial Park. Immediately to the west of the site is the Hordern Pavilion and Royal Hall of Industries buildings and additional open space of Moore Park. Sydney Boys School and Sydney Girls High School are located approximately 400 – 500 metres (m) west of the site, beyond Anzac Parade.

The subject site is not identified as having a statutory heritage listing, but is surrounded by State Heritage Items including Centennial Park, Moore Park and Queens Park, and is a significant part of the history of these parklands. The Moore Park Showground Conservation Strategy 1995 that informed the Moore Park Showground Master Plan identified a number of buildings and spaces within the subject site as having exceptional significance.

3. APPROVAL HISTORY

On 25 November 2011, the Planning Assessment Commission approved the EQ Concept Plan (MP07_0144).

The Concept Plan comprised the demolition of buildings 17 and 220, identification of six new building locations and a maximum floor area of 76,500 m² within the EQ. It also included re-allocation of floor area between the EQ and the Working Studio Precinct (Fox Studios).

Condition 5 provides the approval will lapse five years from the date of the approval unless the works subject of any related application are physically commenced before that date, other than works involving the demolition of Buildings 17 and 220.

4. PROPOSED MODIFICATION

On 3 May 2016, the Proponent lodged a section 75W modification application (MP 07_0144 MOD 1) seeking approval to extend the lapse date by two years from 25 November 2016 to 25 November 2018.

The Proponent has not physically commenced works in accordance with Condition 5 and has advised the project is on hold as it negotiates leases with potential long term tenants. The extra time is sought to allow the Proponent to satisfy the requirements of the Concept Plan, secure future tenants, and commence development on the site, consistent with the original approval.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the EP&A Act. The Department is satisfied the proposed change is within the scope of section 75W of the EP&A Act, and it does not constitute a new application.

5.2 Section 75Y

Former section 75Y of the EP&A Act provides that a condition specifying a lapsing date on an approval may be modified to extend the lapsing period, and the Minister is to review the approval before extending the lapsing period. The Department has therefore reviewed the original approval, as discussed in **Section 7**.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with the City of Sydney Council (Council) about the proposed modification. Given the minor nature of the proposed modification, it was not notified by any other means.

Council did not raise any objections to the proposal, however requested the original assessment, including the Council's original submission, be reviewed as part of the modification assessment.

There were no **public** submissions received on the proposal.

7. ASSESSMENT

Section 75Y of the EP&A Act outlines that the Minister may modify the lapsing period, subject to a review of the approval before extending the lapsing period.

The Department has reviewed the original approval and Council's original submission and is satisfied there are no circumstances which have changed since the approval which would result in a different determination of the application today. In particular:

- *The strategic planning context of the site has not materially changed:*
The key planning controls for the site are set out in State Environmental Planning Policy No 47 - Moore Park Showground (SEPP 47) and have not changed since the determination of the application. Further, key strategic policies, including *A Plan for Growing Sydney*, continues to recognise the importance of Moore Park as an entertainment precinct, consistent with strategic policy at the time of the original approval.
- *The physical context of the site has not significantly changed:*
There has not been a substantial change to the site's physical surroundings. The most significant change affecting the site's physical context is the approval of the light rail along Anzac Parade. The potential for future light rail was acknowledged and considered by the Department in its original assessment of the application.
- *No changes are proposed to the development itself:*
The only aspect of the proposal sought to be modified as part of this application is the lapsing date. The current modification request does not seek to modify any other aspect of the development which would change the environmental impacts associated with the development.
- *The Department's assessment remains valid:*
The original assessment has been reviewed and the Department is satisfied the assessment remains valid today. In particular, as requested by Council, the Department has carefully considered Council's original submission. The Department notes Council did not object to the Concept Plan, but raised issues in relation to future land uses, building envelopes, impacts on open space, functionality, character and significance of the site.

With regard to future land uses, the original assessment noted the future use of the buildings would be the subject of separate development applications and subject to the

requirements of SEPP 47. The proposed envelopes were also carefully considered in the original assessment, including their impacts on the open space, site character, significance, and functionality. The assessment is considered appropriate and no aspects of this assessment have changed since the time of the original determination.

The Department is therefore satisfied the original assessment remains valid, and an extension to the lapsing period would not result in any change to the Department's original assessment, or any additional environmental impacts, beyond those already assessed and approved.

The Department considers an extension to the lapse date by two years is acceptable as the site remains suitable for the approved development and is consistent with the strategic planning context for the precinct.

The proposed modification would not alter the overall nature of the Concept Plan approval as it would continue to achieve the same objectives as the original approval.

The Department therefore recommends Condition 5 of the Concept Plan approval be amended to provide a revised lapse date of 25 November 2018, as outlined in **Appendix A**.

8. CONCLUSION

The Department has assessed the application on its merits and reviewed the original approval, consistent with section 75Y, and is satisfied it is appropriate to extend the approval lapse date by two years from 25 November 2016 to 25 November 2018.

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis that:

- the extension of time would not result in any adverse impacts; and
- the extension of time does not alter the original Concept Plan approval.

Consequently, it is recommended the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is **RECOMMENDED** the Executive Director, Key Sites and Industry Assessments as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **approves** the application under section 75W, subject to conditions; and
- **signs** the notice of modification (**Appendix A**).

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 29/6/16

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APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

https://majorprojects.affinitylive.com/?action=view_job&id=7633

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

https://majorprojects.affinitylive.com/?action=view_job&id=7633

2. Submissions

https://majorprojects.affinitylive.com/?action=view_job&id=7633