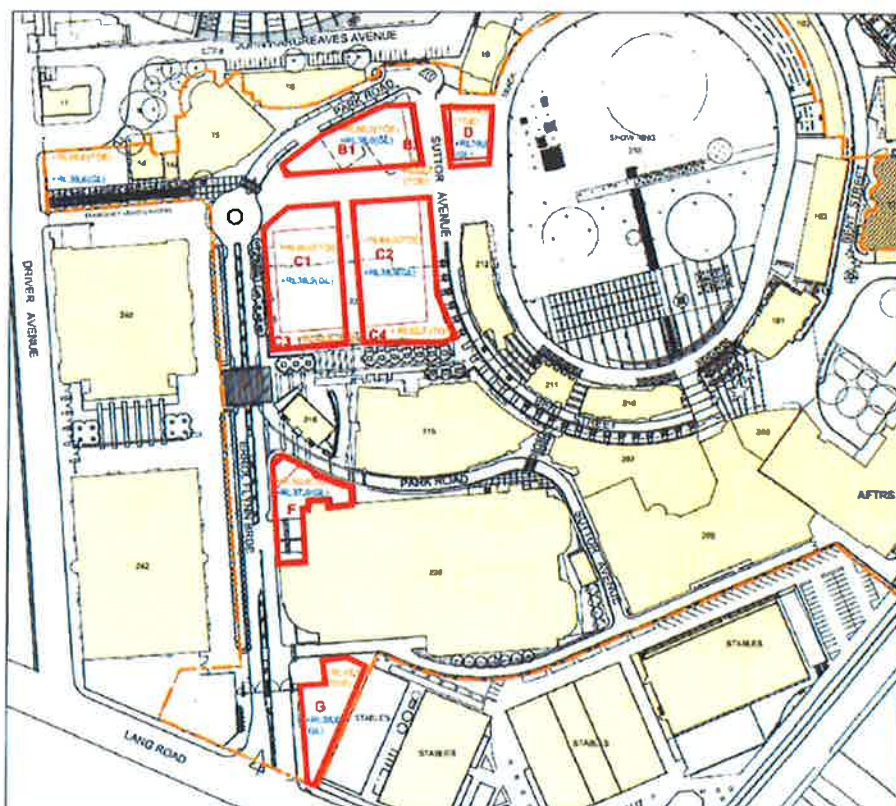


**MODIFICATION REQUEST:
Entertainment Quarter Concept Plan
MP 07_0144 MOD 2**

**Modification request to amend Condition 5 of
MP 07_0144 to extend the lapse date of the Concept
Approval for a further two years, from 25 November
2018 to 25 November 2020.**



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979
May 2018

ABBREVIATIONS

Commission	(the then) Planning Assessment Commission
Concept Plan	Approved Concept Plan for the redevelopment of the site (MP07_0144)
Consent	Development Consent
Council	City of Sydney Council
CMPT	Centennial Park and Moore Park Trust
Department	Department of Planning and Environment
EQ	Entertainment Quarter
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
LGA	Local Government Area
Minister	Minister for Planning
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
Proponent	Titanium Property Investment Pty Ltd
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment

© Crown copyright 2018

Published May 2018

NSW Department of Planning & Environment

www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 75W modification application to a Concept Plan (MP 07_0144) for the Entertainment Quarter (EQ) at Moore Park in the City of Sydney local government area (LGA).

The Concept Plan approval has previously been modified (MP 07_0144 MOD 1) to extend the lapse date from 25 November 2016 to 25 November 2018. Titanium Property Investment Pty Ltd (the Proponent) seeks approval to extend the lapse date of the approval by a further two years from 25 November 2018 to 25 November 2020.

1.2 The site and surrounds

The EQ Concept Plan site is located in the City of Sydney LGA within the former Moore Park showgrounds, approximately 3 km south east of the Sydney CBD and 1.8 km west of Bondi Junction (Figure 1).

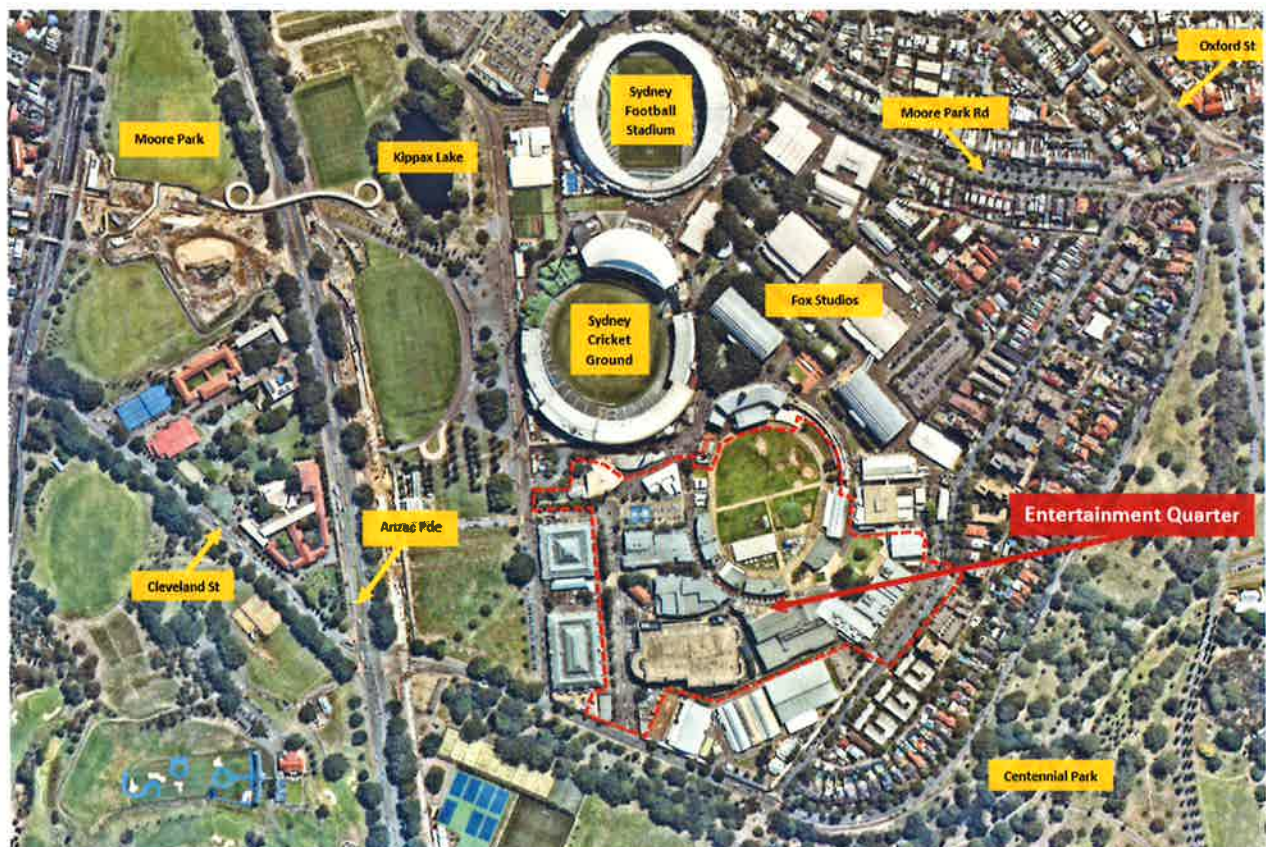


Figure 1: Location Plan showing Concept Plan site (red line) (Source: Nearmap)

The EQ has an area of approximately 11.08 hectares and is bounded by Fox Studios and Sydney Cricket Ground to the north, Lang Road to the south, Cook Road to the east and Driver Avenue to the west. The EQ comprises cafes, restaurants, cinema complexes, media and film related offices, Brent Street Studios, the Australian Film, Television and Radio School, shops, car parking and open space, including the former showground and parade ring. 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 area, sited between the edge of Moore Park playing fields and the north-western boundary of Centennial Park. To the east of the site is predominantly residential development and to the west lies the Hordern Pavilion and Royal Hall of Industries buildings.

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 (DA 1/96), identified a number of buildings and spaces within the subject site as having exceptional significance.

1.3 Previous approvals

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

- Identification of 6 new building locations, maximum heights and maximum floor area of 144,000 square metres (m²) across the entire Moore Park Showground site including:
 - 76,500 m² within the EQ
 - 67,500 m² within the working studio
- Demolition of buildings 17 and 220

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

On 29 June 2016, the Executive Director, Key Sites and Industry Assessments, approved MP 07_0144 MOD 1 which extended the lapse date for the Concept Approval for two years from 25 November 2016 to 25 November 2018.

2. PROPOSED MODIFICATION

The Proponent has lodged a modification request application under section 75W of the EP&A Act to modify the Concept Plan (MP 07_0144), to extend the lapse date for a further two years, from 25 November 2018 to 25 November 2020.

The Proponent has lodged this request on the basis that it has not commenced works on site in accordance with Condition 5 of the Concept Approval.

Conditions 9 and 10 require the proponent to submit public domain, open space and design strategies, prepared in consultation with the Centennial Park and Moore Park Trust (CMPT), prior to submission of the first development applications within the Concept Plan envelopes. The Proponent has advised that it has been awaiting the finalisation of the CMPT's own Masterplan (completed June 2017) to inform the content of the required strategies, which are currently being finalised. The extension is therefore sought to enable the Proponent to submit the required strategies and subsequent development applications, and commence development on site, consistent with the Concept Approval.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

3.2 Modification of a Minister's Approval

Section 75W of the EP&A Act provides for the modification of a Minister's approval including revoking or varying a condition of the approval or imposing an additional condition on the approval.

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 5**.

3.3 Secretary's Environmental Assessment Requirements

Section 75W (3) of the EP&A Act provides that the Secretary may notify the Proponent of SEARs with respect to the proposed modification that the Proponent must comply with before the matter will be considered by the Minister. As the application relates only to the extension of the lapse date of the original approval, and sufficient information was provided to enable the assessment of the proposal, it was not considered necessary to notify the Proponent of SEARs.

3.4 Environmental Planning Instruments

The Department undertook a comprehensive assessment of the original concept proposal against the following Environmental Planning Instruments (EPIs):

- State Environmental Planning Policy 47 - Moore Park Showgrounds
- State Environmental Planning Policy 55 - Remediation of Land

Given the proposed modification does not propose any changes to the original approval, the Department is satisfied that the proposed modification remains consistent with these EPIs.

3.5 Delegated Authority

In accordance with the Minister for Planning delegated functions under section 75W of the EP&A Act, signed on 11 October 2017, the Director, Key Sites Assessments may determine this application as:

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

4. CONSULTATION AND SUBMISSIONS

In accordance with section 75X(2)(f) of the EP&A Act, the Department is required to make the modification publicly available. The Department made the modification request publicly available on its website and consulted with the City of Sydney Council (Council). The Council advised it would not be making comment on the proposal. No other submissions were received.

5. 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 is satisfied there has been no change in circumstances 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 Metropolis of Three Cities- the Greater Sydney Region Plan* and the *Eastern City District Plan*, continue 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 commencement of construction for the light rail nearby along Anzac Parade. However, the potential for future light rail was acknowledged and considered by the Department in its assessment of the original application and will enhance the sites accessibility to public transport.

No changes are proposed to the development itself:

The lapsing date is the only aspect of the proposal sought to be modified by this application. 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 Department has reviewed its original assessment and is satisfied that the assessment remains valid. The proposed building envelopes were carefully considered, including their impacts on open space, site character and heritage significance, while the future use of the buildings are subject to separate development applications and to the requirements of SEPP 47. No aspects of the original assessment have changed since the time of the original determination.

The Department is satisfied that the site remains suitable for the approved development which remains consistent with the current strategic planning context for the precinct. The proposed extension of the lapsing period would not result in any change to the original assessment, or give rise to any environmental impacts, beyond those already assessed and approved.

6. CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act. The assessment concludes an extension to the lapse date for an additional two years to 20 November 2020, is appropriate on the basis that:

- the extension of time does not alter the terms of the Concept Approval;
- the extension of time would not result in any adverse impacts; and
- the development remains consistent with the strategic planning framework for the site and the Department's original assessment remains valid.

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

7. RECOMMENDATION

It is recommended that the Director, Key Sites Assessments, as delegate for the Minister for Planning:

- consider the findings and recommendations of this report
- approve the modification application MP 07_0144 MOD 2 subject to conditions
- sign the attached notice of modification (**Appendix B**).

Recommended by:

Amy Watson

Amy Watson
Team Leader, Key Sites Assessments

DECISION

Approved by:

[Signature] 15/5/18.

Ben Lusher
Director, Key Sites Assessments
as delegate of the Minister for Planning

APPENDIX A RELEVANT 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 at http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9149

1. Modification Application

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9149