



6 October 2020

RJC\20-099

The Secretary
Department of Planning Industry and Environment
12 Darcy Street
Parramatta NSW 2150

Attention: Ms Amy Watson, Team Leader Key Sites Assessments

Dear Amy,

**re Major Project Application MP07-0144 MOD2
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 the Concept Plan approval be modified as to extend the lapse date by a further two years (i.e. from 25 November 2020 to 25 November 2022).

As the Department may be aware, the Proponent has submitted an unsolicited proposal to the NSW government supported by a revised master plan that seeks to revitalise the Entertainment Quarter at Moore Park into a world-class integrated leisure, events, cultural, creative and entertainment precinct. This unsolicited proposal is currently undergoing stage 2 assessment in accordance with the Unsolicited Proposals Guide for Submission and Assessment, August 2017. The extension in the life of the consent is requested as this assessment process is not yet completed and there is no certainty that the revised masterplan will be approved. Consequently, the Proponent wishes to preserve the current masterplan until such time as the revised masterplan has been determined. Should the revised masterplan be approved this will supersede the current masterplan.

This application is made pursuant to the provisions of Clause 3BA(5) of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* and Section 75W of the *Environmental Planning and Assessment Act 1979* (prior to the repeal of Part 3A).

1. The Concept Plan approval

On 25 November 2011 the NSW 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. Concept Plan Approval MOD 1

On 29 June 2016, the Minister's delegate approved MP07-0144 MOD 1, thereby extending the lapse date of the consent from 25 November 2016 to 25 November 2018. The Departments Assessment Report for MP07-0144 MOD 1 is provided in **Attachment 4**. The approval of MP07-0144 MOD 1 is provided in **Attachment 5**.

3. Concept Plan Approval MOD 2

On 15 May 2018, the Director, Key Sites Assessments, as delegate for the Minister, approved MP07-0144 MOD 2 providing a further extension to the lapse date of the consent from 25 November 2018 to 25 November 2020. The Departments Assessment Report for MP07-0144 MOD 2 is provided in **Attachment 6**. The approval of MP07-0144 MOD 2 is provided in **Attachment 7**.

4. Condition 5 of the Concept Plan MOD 2 approval

Condition 5 of the Concept Plan MOD2 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 on 25 November 2020 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 application, the Concept Plan approval will lapse on 25 November 2012.

4. 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 2022 (i.e. an extension of the lapsing date by a further 2 years).

5. Application of Section 75W

Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017) is entitled Transferred transitional arrangements on repeal of Part 3A—former Schedule 6A to the Act. Clause 3BA(5) in Schedule 2 provides that:

A concept plan may continue to be modified under section 75W pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project), but only if the Minister is satisfied that—

- (a) the proposed modification is to correct a minor error, misdescription or miscalculation, or*
- (b) the proposed modification is of minimal environmental impact, or*
- (c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).*

The cut-off date is 1 March 2018.

However, Clause 3C in Schedule 2 further provides that:

- (1) Section 75W continues to apply (subject to clause 3BA) for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A, whether or not the project or any stage of the project is or was a transitional Part 3A project.*
- (2) This clause applies despite anything to the contrary in this Schedule (other than provisions relating to approval for the carrying out of a project or stage of a project that is given in connection with an approval to modify a concept plan).*

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.

Having regard to Section 75W(3), it is not necessary to notify the Proponent of any environmental assessment requirements because the application relates only to an extension of the lapse date and sufficient information is provided in this submission to support the requested modification.

6. Justification for the requested further modification of the Concept Plan MOD1 approval

6.1 Matters for consideration under clause 3BA(5)

Clause 3BA(5) of Schedule 2 states that a concept plan may continue to be modified under Section 75W only if the Minister is satisfied that:

- (a) the proposed modification is to correct a minor error, misdescription or miscalculation, or
- (b) the proposed modification is of minimal environmental impact, or
- (c) the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

In relation to subclause (b), the Minister can be satisfied that the modification is of minimal environmental impact as there is no change to the nature or impact of the concept plan. In relation to subclause (c), the Minister can be satisfied that the concept plan is substantially the same as the project to which the concept plan as originally approved relates and there is no change to the development proposed in the approved concept plan.

6.2 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.

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. The addition of this new amenity provides the Proponent with an increased opportunity to fulfil the objectives of the original intent of the Concept Masterplan, the implementation of which has been delayed most recently by COVID 19.

The EQ leasehold is a major contributor to the annual funding of the Centennial Park and Moore Park Trust's ("CPMPT") operating budget and the development of the Concept Plan will further underpin that operating budget. 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 and entertainment industries.

6.2 There are no circumstances which have changed since the original approval which would result in a different determination today.

6.2.1 The strategic planning context of the site has not materially changed.

EQ remains subject to the controls set out in SEPP No. 47-Moore Park showground. These controls have not relevantly changed since the determination of the original concept plan.

Additionally, the Greater Sydney Region Plan and the District Plan for the Eastern City District recognize Moore Park, of which EQ forms part, as an entertainment precinct. This is consistent with the intent of strategic planning policy as in place at the time the original concept plan was approved.

6.2.2 The physical context of the site has not significantly changed.

The physical surroundings of EQ remains fundamentally the same as when the Concept Plan was originally approved. The light rail which runs along Anzac Parade was anticipated when the original concept plan was approved. The construction of the new football stadium and progressive improvements to the Sydney Cricket Ground reinforce the importance of progressing with the implementation of the Concept Plan.

6.2.3 There are no proposed changes to the approved concept.

This application seeks only to extend the life of the consent.

6.2.4 The assessment of the original Concept Plan by the Department of Planning and Environment remains valid.

The Department's assessment report for the original concept plan is provided in **Attachment 8**. The assessment remains valid, noting that no changes are proposed to the approved concept. The only aspect of the approved concept plan which is sought to be varied is the lapsing date of the approval.

6.3 Timeframe required for implementation

As the Department may be aware, the Proponent has submitted an unsolicited proposal to the NSW government supported by a revised master plan that seeks to revitalise the Entertainment Quarter at Moore Park into a world-class integrated leisure, events, cultural, creative and entertainment precinct. This unsolicited proposal is currently undergoing stage 2 assessment in accordance with the *Unsolicited Proposals Guide for Submission and Assessment, August 2017*. The extension in the life of the consent is requested as this assessment process is not yet completed and there is no certainty that the revised masterplan will be approved. Consequently, the Proponent wishes to preserve the current masterplan until such time as the revised masterplan has been determined. Should the revised masterplan be approved this will supersede the current masterplan.

6.4 COVID-19 implications

In response to COVID-19, the NSW government has extended timeframes for key events in the planning system, including more time to commence approved developments. These provisions allow an extension of the lapsing date for a further two years from the date it would otherwise have lapsed. This principle is equally applicable to the approved Concept Plan even though the provisions strictly only apply to Part 4 approvals. The extension of the lapsing period for the approved Concept Plan from 25 November 2020 to 25 November 2022 is an appropriate response to COVID-19, consistent with NSW government policy.



7. 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

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long, sweeping horizontal line that extends to the right.

Robert Chambers
Director
Email bob.chambers@bbcplanners.com.au